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2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF OHIO  
4 EASTERN DIVISION

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 vs.

Case No. 1:16CR265

Akron, Ohio

Friday, March 9, 2018

8 ERICK JAMAL HENDRICKS,

9 Defendant.

10 TRANSCRIPT OF TRIAL  
11 VOLUME 6, PAGES 822 THROUGH 1047  
12 BEFORE THE HONORABLE JOHN R. ADAMS  
13 UNITED STATES DISTRICT JUDGE

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25 Proceedings recorded by mechanical stenography; transcript  
produced by computer-aided transcription.

1 (Friday, March 9, 2018 9:10 a.m.)

2 THE COURT: Ladies and gentlemen, in a few  
3 moments, our witness will be brought into the courtroom. At  
4 that time, the parties are free to observe what has been  
00:20:10 5 described as a light disguise.

6 I'll hear the position from each party. And then the  
7 witness will be -- more likely than not, we'll excuse the  
8 witness. And my intention then is to address any issues  
9 there might be.

00:20:25 10 Thereafter, we'll have the witness back in the  
11 courtroom. He'll be seated in the witness stand when the  
12 jurors come into the courtroom and then I'll administer the  
13 oath and we'll go from there.

14 Any questions on behalf of the government?

00:20:40 15 MR. SHEPHERD: No, Your Honor.

16 THE COURT: On behalf of the defendant?

17 MR. DOUGHTEN: Nothing further, Your Honor.

18 THE COURT: All right. We have the courtroom  
19 secured, and we do have the audio feed. I don't believe  
00:20:50 20 that's operational yet, or should not be at this point. But  
21 we will make that determination in a moment.

22 Let's just wait. We'll wait for the witness. We want  
23 to be cautious. We do not want there to be any inadvertent  
24 contact between the jurors and the witness when he's brought  
00:21:13 25 into the courtroom.

1 Counsel, while we are wait, did both sides receive a  
2 copy of the transcript of the proceedings in the jury room,  
3 yesterday?

4 MR. SHEPHERD: We did, Your Honor.

00:21:36 5 MR. DOUGHTEN: Yes.

6 THE COURT: Any problems, concerns, issues?

7 MR. DOUGHTEN: Nothing, Your Honor. We are fine.

8 MR. SHEPHERD: No issues, Your Honor.

9 THE COURT: Thank you.

00:22:29 10 (Pause.)

11 THE COURT: Just have a seat here in the witness  
12 stand.

13 Are you comfortable?

14 THE WITNESS: Yes, sir.

00:24:25 15 THE COURT: All right. Thank you.

16 I'm sorry, sir, the purpose of the proceeding is just  
17 to allow the attorney's representatives to, under the  
18 circumstances, to see and observe your appearance before we  
19 present you to the jury.

00:24:44 20 Counsel, any questions or issues you would like me to  
21 address? Take your time.

22 MR. SHEPHERD: Your Honor, from this view, our  
23 position would be we don't believe an instruction would be  
24 necessary. But we would certainly defer to defense  
00:25:05 25 counsel's opinion.

1 THE COURT: I would allow, if you would like,  
2 each of you, one of you, each to come to the -- do you see  
3 how close the jurors are, the alternate jurors' seats are,  
4 if you would like, to see a more close view, I suppose, the  
00:25:24 5 view which at least several of the jurors are going to see  
6 and observe the witness.

7 You're welcome to do that, just so we have it clear.

8 Because that is really the nub of the issue is given  
9 their proximity, are they going to notice any type of  
00:25:38 10 disguise or anything of that nature?

11 Counsel for the government, do you have any position  
12 regarding whether the Court needs to provide an instruction  
13 to the jurors or anything of that nature?

14 MR. SHEPHERD: Your Honor, we believe, based on  
00:26:02 15 the appearance, that any instruction would just draw  
16 unnecessary attention to the issue and that it won't be,  
17 based on what we've observed, apparent to them, to the  
18 jurors otherwise.

19 But as I stated before, we would defer to defense  
00:26:19 20 counsel's request on this issue Your Honor.

21 THE COURT: Counsel for the defendant.

22 MR. DOUGHTEN: Yes, Your Honor. Just for the  
23 record, we renew our objection that the Court's already  
24 ruled on, just to make sure it's renewed; however, we agree  
00:26:30 25 with the government. I would not request a limiting

1 instruction. I think I think from standing here, standing  
2 up close, I would have no idea if there is any type  
3 of -- I'll repeat again.

4 Your Honor, we would not ask for a limiting  
00:26:47 5 instruction because from back here and also up close, I  
6 would have had no idea that there was any type of altered  
7 appearance, if I had not been advised ahead of time.

8 For that reason, we think a limiting instruction would  
9 only draw attention to some perceived, that Erick was  
00:27:08 10 dangerous and that's what caused the alteration. So we  
11 would ask that there not be any limiting instruction.

12 MR. SHEPHERD: Your Honor, I would just also want  
13 to note for the record that the witness's appearance does  
14 not block his face, his eyes, his nose, in such a way that  
00:27:23 15 the jury cannot see him. And the defendant can also see his  
16 face like any other witness, Your Honor.

17 THE COURT: We'll note that for the record. The  
18 Court would also note for the record that having seen and  
19 observed the witness, if there is any, what is described as  
00:27:37 20 light disguise, it is certainly not readily apparent or  
21 readily apparent to me, despite my close proximity to the  
22 witness.

23 I agree with counsel for the defendant. If we were to  
24 call any such -- again, it's not visible, but alleged light  
00:27:54 25 disguise to the attention of the jurors, it may create more

1 issues regarding the safety of the jurors, etcetera, as has  
2 been referenced here.

3 So I will not make any reference to it. I will not  
4 call the jurors' attention to it.

00:28:14 5 Just to turn to the Court's earlier order, I note the  
6 objection has certainly been preserved for the record by the  
7 defendant.

8 The witness is testifying under a pseudonym that will  
9 be permitted at trial. Of course, it will be permitted here  
00:28:30 10 in a few moment.

11 The defense is prohibited from asking any questions he  
12 can personally information from the witness, and as I  
13 already indicated, we have taken the appropriate steps, only  
14 essential personnel, the jury, the defendant, his counsel,  
00:28:46 15 the government's trial team shall be present in the  
16 courtroom.

17 I'm also going to admonish and make certain that  
18 everyone is aware that no recording devices shall be made --  
19 be present in the courtroom. I'll remind the jurors, or ask  
00:29:00 20 the courtroom deputy to do so rather than do it here in open  
21 court.

22 I'll ask my courtroom deputy to be assured, confirm  
23 with the jurors that no cell phones, any other type of  
24 devices are on or about their person when they come into the  
00:29:15 25 courtroom.

1 And I think that addresses all the issues that we've  
2 set forth in our order.

3 So we will begin in about ten minutes unless there's  
4 any our are other issues that either side would like to  
00:29:29 5 address.

6 Counsel for the government?

7 MR. SHEPHERD: Yes, Your Honor. I believe the  
8 Court's order had left open the issue of immediate family  
9 being present during his testimony. And I believe from  
00:29:37 10 talking to defense counsel, there are no immediate family  
11 present today.

12 THE COURT: Thank you.

13 Counsel for the defendant; is that correct?

14 MR. DOUGHTEN: That is correct. I have spoken to  
00:29:45 15 Mr. Hendricks's mother and she has indicated that she nor  
16 any of her immediate family will be here today. They  
17 returned to Arkansas. They couldn't stay the whole time.

18 THE COURT: All right. Thank you. So we'll note  
19 that for the record as well.

00:29:58 20 Any other issues that we need to clarify, preserve for  
21 the record?

22 MR. SHEPHERD: No, Your Honor.

23 MR. DOUGHTEN: No. Thank you.

24 THE COURT: Sir, are you comfortable there for  
00:30:05 25 the next ten minutes?



1 THE WITNESS: Yes, sir.

2 THE COURT: Do you need water, anything else?

3 THE WITNESS: Fine. Thank you.

4 THE COURT: You have to use the restroom so we  
00:30:14 5 don't need any breaks?

6 THE WITNESS: Yes. Fine.

7 THE COURT: Because we're probably go to go from  
8 9:30 to about perhaps 11:00, thereabouts.

9 If at any time you need a break, anything you need us  
00:30:25 10 to address during the course of the testimony, let us know.  
11 That, of course, applies to all the participants.

12 But as you're testifying, please let us know.

13 All right, Counsel. We'll take about -- we'll start  
14 promptly at 9:30, assuming all our jurors are here. There  
00:30:39 15 was just a couple that were coming.

16 But assuming all the jurors are here, we'll start  
17 approximately at 9:30. And we'll begin -- you don't need to  
18 stand for the oath based on the circumstances, all right.

19 Okay. Thank you very much.

00:30:52 20 That's how we'll proceed.

21 (Recess taken 9:25 a.m.)

22 (Outside the preference the jury.)

23 THE COURT: All right, Counsel. Are we all  
24 ready? The jurors are all assembled.

00:38:45 25 MR. SHEPHERD: Yes, Your Honor.

1 THE COURT: All right, Ms. Kestner. May we have  
2 our jurors, please?

3 (Jury in, 9:30 a.m.)

4 THE COURT: Counsel for the government, would you  
00:40:14 5 call your next witness, please?

6 MR. SHEPHERD: Yes, Your Honor. The government  
7 calls Steven Jane.

8 THE COURT: Sir, would you please raise your  
9 right hand.

00:40:23 10 STEVEN JANE,  
11 of lawful age, a witness called by the United States,  
12 being first duly placed under oath, was examined  
13 and testified as follows:

14 THE COURT: Thank you. Counsel, you may inquire.

00:40:34 15 MR. SHEPHERD: Thank you, Your Honor.

16 DIRECT EXAMINATION OF STEVEN JANE

17 BY MR. SHEPHERD:

18 Q. Are you Steven Jane?

19 A. Yes.

00:40:37 20 Q. And are you a special agent with the FBI?

21 A. Yes, sir.

22 Q. And as a special agent with the FBI, do you work in an  
23 undercover capacity?

24 A. Yes, I do.

00:40:50 25 Q. What kinds of cases do you work on as an undercover

1 agent?

2 A. Counterterrorism.

3 Q. And approximately how long have you worked as an  
4 undercover agent for the FBI?

00:41:00 5 A. Around nine years.

6 Q. And in your work as an undercover, do you interact  
7 with subjects?

8 A. Yes.

9 Q. Does that include in-person?

00:41:14 10 A. Yes.

11 Q. Do you also interact online?

12 A. Yes.

13 Q. Where in the United States do you work on cases?

14 A. All over the U.S.

00:41:21 15 Q. When you're working on a case, are you in any  
16 particular location?

17 A. It depends on the assignment.

18 Q. So --

19 A. It varies often.

00:41:34 20 Q. So is it possible you could be working on cases at any  
21 one time anywhere in the United States?

22 A. Typically working on multiple cases at any given time.

23 Q. So would it be fair to say you could be in one  
24 location, but working on a case in a different location as  
00:41:49 25 well?

1 A. That's the norm, yes.

2 Q. Have you had any special training related to  
3 undercover operations?

4 A. Yes.

00:41:54 5 Q. Will you please describe that previously?

6 A. Yeah, I attended the FBI's undercover certification  
7 course in order to become an undercover agent. It was two  
8 weeks long, and then the subsequent follow-up training as  
9 well.

00:42:09 10 Q. Have you had any kind of training related to  
11 counterterrorism investigations?

12 A. Yes, I have.

13 Q. Can you briefly describe what that consists of?

14 A. The FBI has a standard package of training for all  
00:42:19 15 agents that work counterterrorism investigations, and I've  
16 attended all those courses and some additional optional  
17 courses, as well.

18 Q. And during your time working cases in  
19 counterterrorism, have you also learned additional things  
00:42:33 20 with counterterrorism investigations?

21 A. Yes. In the, you know, specialized line of work,  
22 attended additional training. And then, of course, just  
23 on-the-job training, learning from peers, just as the  
24 emergent process goes. I picked up the lexicon.

00:42:51 25 Q. And is there a certification that you have to have

1 with the FBI to work undercover?

2 A. That is correct. Yes. It's an official very formal  
3 process.

4 Q. And do you have that certification?

00:43:01 5 A. I do.

6 Q. Now, you mentioned a lexicon previously. Is there a  
7 language or, as you said lexicon, that you have to learn to  
8 effectively work these cases?

9 A. Yeah. It's pretty much mandatory. In order to  
00:43:17 10 operate in the counterterrorism realm, particularly with  
11 subjects that are sympathizers of the ISIS ideology, there's  
12 their own kind of language, key words that they use, and,  
13 yes, I'm very familiar with that.

14 Q. And you mentioned their ideology. Do you have to  
00:43:33 15 learn the ideology of the people you're vetting?

16 A. Yeah. There's have a narrow but very specific  
17 ideological strain that groups like ISIS and other  
18 terrorists abide by. The salafi-jihadi ideology, and I've  
19 become very familiar with that.

00:43:52 20 Q. And just to help our court reporters, can you spell  
21 salafi, please?

22 A. Yeah. Salafi-jihadi is S-A-L-A-F-I, hyphen, jihadi,  
23 J-I-H-A-D-I.

24 Q. And do you have to become familiar with Arabic terms  
00:44:13 25 and phrases?

1 A. Yes. I mean, a lot of the terms are Islamic terms  
2 which are originally in Arabic. So many of the key terms  
3 are Arabic words that create Islamic phrases.

4 Q. And are these terms and phrases that you've learned in  
00:44:29 5 your nine years as an undercover agent?

6 A. Yes.

7 Q. Have you also had to learn how your subjects  
8 communicate with each other?

9 A. Yes.

00:44:37 10 Q. And what kinds of ways have you had to communicate  
11 with subjects in your cases?

12 A. As you mentioned earlier, online and in face-to-face  
13 meetings. In addition, you know, observing other  
14 communications that subjects have that we collect through  
00:44:53 15 other means.

16 Q. Do you have to use social media applications to  
17 communicate?

18 A. Yes.

19 Q. And as a result, have you had to become familiar with  
00:45:04 20 different social media applications?

21 A. Yes, and encrypted messaging applications as well.

22 Q. When you're working on an investigation, typically  
23 what would you describe your goal is?

24 A. Ultimately is to determine if the subject poses his  
00:45:22 25 desire to commit a crime. Often in the counterterrorism

1 realm, it's to determine if that individual wants to carry  
2 out an act of violence himself or support an act of violence  
3 or support a terrorist organization.

4 So, you know, one of the first steps is to just become  
00:45:41 5 familiar, essentially build rapport, and kind of socialize  
6 often online and then see if the subject then directs the  
7 conversation in a direction that would lead to either a  
8 violent outcome or supporting a designated terrorist  
9 organization.

00:45:57 10 Q. And when you're doing that, how are you trying to have  
11 the -- or who do you try to have the conversation directed  
12 by?

13 A. Of course, the subject of the FBI investigation is the  
14 person who determines where the nature of the relationship  
00:46:12 15 and the conversation goes.

16 I just simply, in my persona, while talking to someone  
17 is to make myself available to them to see if they want  
18 to -- see what direction they want to go in.

19 Q. When you say a persona, so when you're undercover, is  
00:46:29 20 there a role that you're playing?

21 A. Yes. So I take on a different persona, and then just  
22 conduct myself according to that persona.

23 Q. Is there a way you try to document your communications  
24 with someone when you're using these social media  
00:46:46 25 applications?

1 A. Yes. So as a norm, I capture the verbatim  
2 conversations in writing in their original format.

3 We just simply call that a screen shot, pretty common  
4 practice.

00:47:01 5 Q. Are there any challenges with doing that?

6 A. Depending on what messaging application we're using or  
7 social media, some apps are designed where the content  
8 expires or itself deletes or auto deletes after a designated  
9 period of time.

00:47:16 10 So that poses a trickier challenge to capture those  
11 raw verbatim communications before they expire.

12 There's other security precautions, you know, I have  
13 to be pretty cognizant of that varies from app to app.

14 Q. Are there some apps -- are there any apps that notify  
00:47:35 15 the other user if he had taken a screen shot?

16 A. Yes.

17 Q. And are there apps that can tell you if the other  
18 person's communications have been deleted or not?

19 A. Depending on the app, that is possible. So, you know,  
00:47:49 20 I have methods to simply take a picture of that screen  
21 without doing a conventional screen shot.

22 Q. Now, Agent Jane, were you involved in the  
23 investigation of Erick Hendricks in this case?

24 A. Yes.

00:48:03 25 Q. As part of that investigation, did you communicate



1 with someone that you originally knew as Abu Harb?

2 A. Yes.

3 Q. Through what medium were you communicating with this  
4 person you knew as Abu Harb?

00:48:20 5 A. So the genesis of this investigation of Mr. Hendricks  
6 was in the course of me working a different case where I was  
7 targeting a different subject online.

8 And in the course of working that case, I noticed that  
9 there was an associate of my primary subject, my primary  
00:48:41 10 target, and that was on Twitter. So I noticed that there  
11 was, it would appear to be and pretty vibrant relationship  
12 between my primary target and this new, this unknown user.  
13 He was unknown at the time.

14 So that began on Twitter. And then I noticed on that  
00:49:02 15 particular Twitter account, that user had posted the screen  
16 name or account for a Surespot messaging application.

17 So it really began when I noticed that this second  
18 user, the friend of my primary target, had posted his,  
19 essentially his address or screen name, ability to contact  
00:49:22 20 on Surespot.

21 So I reached out to him and just initialled, you know,  
22 a very casual conversation.

23 Q. What was your purpose in reaching out to this other  
24 person?

00:49:32 25 A. So like I said, my primary responsibility was the

1 other target. And I wanted to become familiar with the  
2 friends, the company that he was keeping, given that I was  
3 becoming a closer friend of that primary target. I was  
4 going to end up in the same peer circle, so I was just  
00:49:52 5 basically getting myself in that same peer circle.

6 Q. What was the user name of the Twitter account that you  
7 reached out to?

8 A. Of the primary target or --

9 Q. We will call for now the secondary target.

00:50:08 10 A. That I probably have to look at my raw -- the original  
11 raw communications, my first report, my first 302 report.

12 Q. Hold on just a minute. We'll show you an exhibit to  
13 move forward.

14 A. Sure. I just want to make sure I don't mix up the  
00:50:24 15 accounts.

16 But my first report I clearly annotated the Twitter  
17 handle, the Twitter account of the -- who became the second  
18 person I engaged with.

19 MR. SHEPHERD: Your Honor, may I approach the  
00:50:36 20 witness?

21 THE COURT: You may.

22 THE WITNESS: Okay. So the Twitter handle for my  
23 initial contact was with a -- it was called @sham\_reason.

24 BY MR. SHEPHERD:

00:51:24 25 Q. And approximately when did you make that connection?

1 A. So I first noticed this second person in contact with  
2 my primary target on March 24. I noticed that Twitter page.  
3 And then that user posting his Surespot account. This was  
4 on March 24, 2015.

00:51:44 5 Q. Okay. And what is Surespot?

6 A. Surespot is one of many peer-to-peer encrypted  
7 messaging applications.

8 Q. So after you saw this Surespot account on the  
9 sham\_reason Twitter account, did you then reach out to that  
00:52:12 10 Surespot account?

11 A. I did.

12 MR. SHEPHERD: Your Honor -- or please pull up  
13 Exhibit Number 1, please.

14 BY MR. SHEPHERD:

00:52:24 15 Q. On the screen in front of you is what's been marked as  
16 Government's Exhibit 1.

17 Do you recognize this?

18 A. Yes. The top middle of the screen is the screen name  
19 shamreason. And this is the -- essentially the Surespot  
00:52:37 20 address for this user. And this is the same screen name  
21 that I noticed posted on that Twitter account for  
22 shamreason.

23 Q. And just so this helps orient us for later, on this  
24 screen shot, are there any symbols that tell you this is  
00:52:57 25 Surespot?

1 A. Yeah, in the top left corner, that's icon for  
2 Surespot. And, of course, I downloaded this app myself.

3 Q. So the symbol that I just circled, is in blue?

4 A. Correct.

00:53:09 5 Q. I'm also going to underline a name at the top.

6 What did I just underline?

7 A. Shamreason which is the Surespot screen name. And  
8 it's the -- serves essentially as the address for this  
9 account in order to contact that person.

00:53:23 10 Q. So if you have a Surespot screen shot like this, is  
11 that where the name of the other party to the conversation  
12 would be?

13 A. Correct.

14 Q. And then there's a bunch of texts on the left of this  
00:53:37 15 image.

16 Who is speaking in that text?

17 A. So what we see here is this is my half of the  
18 conversation. The user of this account, at the conclusion  
19 of our conversation, I didn't expect this, but the user  
00:53:50 20 deleted this account such that half of the conversation was  
21 deleted. It was lost. So the only thing at the conclusion  
22 of the conversation, I was only left with my comments that I  
23 made with him.

24 But I did write up a short summary of the conversation  
00:54:03 25 because we can't look at the original comments made by the

1 other user. So I summarized some of those. And I can kind  
2 of essentially read between the lines because we have half  
3 the conversations. So I was mostly answering questions.

4 Q. So taking a look at this conversation, first, if we  
00:54:24 5 can enlarge the top half.

6 And just to clarify, so the Twitter account that you  
7 found this account was also a shamreason Twitter account?

8 A. That is correct.

9 Q. And the Surespot account was then shamreason as well?

00:54:45 10 A. Right. And I only got this screen name because I  
11 found it originally posted on that Twitter account.

12 Q. Okay.

13 So is there a date and time stamp on the first  
14 communication?

00:54:56 15 A. It's kind of difficult to read, but in the top left  
16 corner it says 3/24/2015, March 24, and the time is 6:59  
17 p.m.

18 Q. Now also in the upper right, there's also a time that  
19 says 3:16.

00:55:13 20 Do you see that?

21 A. Yes. 3:16, yeah the time, correct.

22 Q. Would that be the time you actually took the screen  
23 shot as opposed to the communications?

24 A. That is correct. The upper right corner is the time I  
00:55:27 25 actually took this picture with a second camera. And so

1 this happened after the conversation.

2 Q. So could you please explain how this conversation  
3 starts with the half of the conversation that's here and  
4 then filling in the other half of the conversation?

00:55:46 5 A. Sure. I can do my best to try to recall what was said  
6 that we can't see in writing.

7 So after downloading the app, and I reached out to the  
8 user of shamreason. That person then had to accept my  
9 invitation.

00:56:03 10 Upon accepting that invitation, this shamreason user  
11 sent me the basic formal Islamic greeting. And then I  
12 responded to that. I reciprocated in kind.

13 And then this series of questions were asked, and  
14 these are my answers to them.

00:56:22 15 Q. Okay. So your first -- the first line here, would you  
16 read that for us? Very slowly, please for the court  
17 reporter.

18 A. The first line was my response. This is my  
19 reciprocation of the formal greeting was "Wa alakum assalaam  
00:56:32 20 wa rahmat Allah ya akhi."

21 Q. Is that in Arabic?

22 A. Yes.

23 Q. What does that specifically mean?

24 A. When someone says may peace be upon you and may the  
00:56:51 25 mercy of the law be upon you and may his blessings be upon

1 you. This is saying basically, I hope that also that peace  
2 will be upon you and the mercy of the law will be upon you."  
3 And my brother. "Ya akhi" means my brother.

4 Q. And the next line is "A stranger passing thru this  
00:57:09 5 dunya." What does that mean?

6 A. So dunya means this world, the temporal word, this  
7 present life on this Earth in contrast to the afterlife post  
8 death.

9 Stranger is a -- obviously stranger is an English  
00:57:26 10 word, but it has a very special meaning and really resonates  
11 with some Muslims and particularly, in the celefy jihadi  
12 community. That group really identifies themselves as a  
13 stranger in a foreign lands and they were essentially just  
14 passing through this life because this life is just a test  
00:57:45 15 in the process of making it to the afterlife.

16 So it's kind of a catchphrase, kind of a typical way  
17 of saying like, "You know, how are you doing," in response  
18 to that.

19 Q. And then there's "LionofTawheed"?

00:58:03 20 A. Yes, LionofTawheed, that was the name of the account  
21 that I was using. So that's kind of how I was  
22 self-identifying.

23 Q. And then moving down a little bit, there's the  
24 initials "jzk"?

00:58:17 25 A. Yes. So that's just an abbreviation for the Islamic

1 phrase "jazak allah khair", which means may the law reward  
2 you.

3 So that's just -- for some Muslims, particularly  
4 celefies, that's the standard way to say thank you. This is  
00:58:33 5 a substitution for saying thank you.

6 Q. So at this stage of the conversation, are these  
7 primarily just common greetings that are being exchanged?

8 A. Yes. At 7:00, I said, "Yes, a brother." And that was  
9 likely my response when he asked, "How did you find me? How  
00:58:47 10 do I know you? Do we have any mutual friends?"

11 Q. And then this last line at the bottom of the screen,  
12 is "Saheeh muslim and al-bukhari." What does that mean?

13 A. Saheeh Muslim and al-bukhari, these are two -- so I  
14 was asked a question.

00:59:05 15 The question was, a something to the effect of what  
16 are the two highest best authoritative religious sources in  
17 addition to the Koran. And this is the answer. So this is  
18 my response is two separate volumes of collections pieces of  
19 my scholars that compile them.

00:59:28 20 Q. Let's slow down and go make sure the jury and the  
21 court reporters got it?

22 A. Maybe if I can clarify in short? I was asked an  
23 Islamic question, kind of like a trivia question, and this  
24 is my response to the Islamic knowledge question.

00:59:43 25 Q. Is there anything significant about your response?



1 A. Well, I predicted that this was the response that the  
2 other user wanted to hear.

3 Q. Why is that?

4 A. Because this -- because the response can allude to a  
01:00:02 5 type of Muslim who is in a certain ideological category.

6 Q. And what category are you referring to?

7 A. So, I mean, you could take the Islamic world or  
8 different followers of Islam and divide them or categorize  
9 them into different sects. And there's a lot of diversity.  
01:00:21 10 There's different answers for different questions which can  
11 kind of be an indication of what kind of leaning a person  
12 has.

13 So this just kind of helps me kind of put someone in a  
14 circle. This is -- it's still a pretty broad circle at this  
01:00:34 15 point. But, you know, get simply trying to categorize  
16 someone's belief system.

17 Q. Can we move to the bottom of the page?

18 Do you see the answer at the top of the screen now at  
19 7:04 p.m.?

01:00:55 20 A. Yes.

21 Q. There's a reference to the "Figh of spying"?

22 A. Yes.

23 Q. What was this answer in response to?

24 A. So I was asked a question -- well, you can see my  
01:01:08 25 answer has to do with the figh of spying. The figh is an

1 Islamic word which mean Islamic jurisprudence, kind of like  
2 how legal rulings are determined in an Islamic way.

3 So I was asked about -- the other user asked me like,  
4 "Well, what do I think is the Islamic answer for how you  
01:01:26 5 deal with spies?" Which was kind of an odd question for a  
6 conversation that started off casual, involved what I  
7 perceived to a vetting question on Islamic knowledge.

8 And then the conversation pretty quickly turned to  
9 talk about what do we do about this problem of spies and  
01:01:44 10 what is the Islamic answer for how to deal with spies. And  
11 so my response was like, "I'm sorry, my brother. I'm a new  
12 convert to Islam. I'm known as a new revert. I'm a new  
13 convert to Islam, and I don't really know about the Islamic  
14 jurisprudence for how to deal with spying."

01:02:06 15 I simply said, "I know that it's haram. It's  
16 forbidden in al-Qur'an al-kareem." It's forbidden in the  
17 Koran.

18 Q. Can we move to page 2, please?

19 And if we can highlight the top of this again?

01:02:23 20 So there's an answer about the third one down now at  
21 the top of the page that says, "Death is deserving."

22 A. Yeah, so I gave -- when I was asked about you, you  
23 know, what do I think is the Islamic ruling on spying, I  
24 didn't really give an answer. I gave somewhat of an answer  
01:02:41 25 that, no, it's not a good thing.

1 And then the user answered his own question and he  
2 simply said that "Death is the answer." That's how you deal  
3 with spies. And he said death. And then I said, "Death is  
4 deserving," as a follow up to his statement.

01:02:57 5 So he established that death is the Islamic approved  
6 solution for dealing with spies. And I just kind of  
7 reaffirmed what he said was the answer by saying, "Death is  
8 deserving."

9 Q. The next line there's a reference to the tahgout or  
01:03:11 10 tahgout?

11 A. That's pronounced tahgout. It can be literally  
12 described as tyrants, or it can be described as a false  
13 deity, meaning a false deity that requires itself to be  
14 worshipped. I can give examples if you would like, but in  
01:03:31 15 the jihadi circles, this is the most common word used to  
16 describe the government.

17 The government or the main organized enemies of Islam  
18 are given this derogatory label which has a lot of  
19 connotations in the Koran.

01:03:46 20 Q. So do you recall why you made that comment on this  
21 communication?

22 A. Yes. This person clearly demonstrated they were  
23 concerned about spies early in the conversation. And so I  
24 presumed that they -- while they were concerned about spies  
01:04:02 25 and the government spying, and so I was just kind of playing

1 into that paranoia saying, "Yeah, your right. The  
2 government is after us. The tahgout is after us."

3 Q. The next line there's a reference to "amrikis." What  
4 is that a reference to?

01:04:17 5 A. So I knew that the user was in contact with my -- what  
6 was originally my first target, and he went by the name  
7 amrikis, which is just Arabic for the American.

8 And he was asking me like if I knew him, or if I knew  
9 about him.

01:04:33 10 And I just gave an evasive answer saying, "Hey,  
11 there's a lot of guys out there that call themselves the  
12 American, the American." So that's kind of a deflection.

13 Q. Then in the next line there's a reference going to the  
14 "Tahgout after mujahideen?"

01:04:51 15 A. Yeah. Mujahideen, that's the word juhadis use to  
16 describe themselves. A mujahid is someone who commits  
17 jihad. It's literally someone who comits jihad, so  
18 mujahideen is plural for jihadis and it simply is a way of  
19 saying the authorities are after jihadis is a paraphrase of  
01:05:14 20 the same line.

21 Q. If we can get to the bottom half of page 2.

22 Taking a look at the bottom half as we continue in the  
23 conversation, there's a reference to "Almost two years."  
24 What did you mean by that?

01:05:35 25 A. That was an answer to how long had I been a Muslim.

1 And then -- and I think when I said nothing specific, he was  
2 asking like, what do I want to do? I felt like it was a  
3 probing question to figure out what am I all about.

01:05:58 4 Q. And answer, "Almost two years," is that just an  
5 answer? That's part of the persona you were playing?

6 A. Correct.

7 Q. About two lines down, the end of a response talks  
8 about "Not into getting researched."

9 What did you mean by that?

01:06:10 10 A. So the -- I recall in my summary when I wrote up after  
11 this conversation that the other user wanted to know what my  
12 Twitter account was so that he could research me.

13 And I took that as he wanted to further vet me out.

14 So -- and I just say, "Hey, my purpose for being here  
01:06:31 15 is" -- and I can paraphrase.

16 He wanted to delve deeper into my persona. I wasn't  
17 trying to accomplish that at the time, so I was trying to  
18 deflect it.

19 So I said, "Brother, I'm not -- I'm just looking to  
01:06:43 20 keep my eeman high. I'm trying to keep my faith high, and  
21 I'm trying to stay with brothers that are after the truth."

22 And I said, "I'm not getting -- I'm not into getting  
23 researched." Meaning I'm not here to vet people out. I'm  
24 not here to dig deeper. I'm just trying to make friends.

01:07:01 25 Q. And so you -- in your paraphrase, you used the word

1 truth. Is that what haqq means?

2 A. Haqq means the truth. You can see my next line means,  
3 "Brother, I mean no offense," the other user did not like my  
4 response that I was not playing along with trying to go to  
01:07:17 5 this deeper level of getting vetted out.

6 Q. Can we move to page 3, please.

7 And where I want to move you forward on this is in the  
8 middle there's a line about "I'm not looking for a level."

9 What was the context of that statement?

01:07:39 10 A. The other user of shamreason, he said that it was  
11 necessary for me to give up my social media profile so that  
12 I could be researched. And that was a requisite in order to  
13 be taken to the next level. He said this is a requirement.  
14 This is a commonplace that if you want to go to the next  
01:07:58 15 level, it requires getting researched.

16 And I told him I'm not here to get into a contest to  
17 pass a test to reach some -- I wasn't -- not here to try to  
18 strive for a different level, just here to make friends.

19 Q. If we could go back just to the full screen of page 3.

01:08:16 20 And if we could move on to page 4, please. Of Exhibit  
21 3.

22 That's because there's only three pages.

23 So, Agent Jane, how did this conversation finish?

24 A. Well, I actually terminated the conversation at 7:18.

01:08:45 25 You can see I gave the Islamic greeting which is also used

1 to say goodbye essentially.

2 So once this person was trying to probe further and  
3 wanted more from me than I wanted to give up at the time, I  
4 basically said, "I'm done talking with you" and said  
01:09:00 5 "Goodbye."

6 However, the other user still kept the conversation  
7 going up and you can see I had to respond to another  
8 question at 7:26.

9 I don't really remember what the question was. But it  
01:09:13 10 prompted me to say that, "Hey, we need to be careful. We  
11 need to be smart on the lookout out of concern of the  
12 government spying."

13 And then I gave an answer of theoretical, I guess. I  
14 don't remember the exact question, but I know it was a  
01:09:27 15 pretty pointed question to where the user was asking, like,  
16 you know, do I want to do something in kind of the physical  
17 realm or just theoretical. And I responded with  
18 theoretical. I was just trying to give kind of an answer  
19 that I wasn't really fixated on going in any certain  
01:09:49 20 discretion here.

21 Q. Did you later come in contact online with this same  
22 person you believed to have been communicating with using  
23 this account?

24 A. Yes.

01:09:57 25 So when I created this account, there are only two

1 people that I communicated with. I only used this account  
2 for two people. One was my first target and the other one  
3 was for sham\_reason.

01:10:12 4 So I had that account, besides communicating with  
5 those two people, I didn't use it for anything else. And a  
6 few weeks went by and I had contact with a third account.  
7 And the user of that third account said, "I see that you're  
8 still using your same account."

9 In other words, by the time I communicated with a  
01:10:30 10 third account, that person said essentially conveyed, "I  
11 know you. I see that you're still using this same account."

12 So I knew it had to be one of the original two that I  
13 communicated with.

14 Q. And if we move forward to Exhibit 2, please.

01:10:49 15 There's -- if we can go to page 2 of Exhibit 2.

16 So first, Exhibit 1, were those the set of screen  
17 shots that you took of your communications with shamreason,  
18 the first exhibit we just finished with?

19 A. Yes.

01:11:11 20 Q. Now, what does Exhibit 2 appears to be?

21 A. Okay. So the context is I noticed that there was  
22 another Twitter friend of my original target using this  
23 Twitter account.

24 Q. And what Twitter account is that?

01:11:25 25 A. This is sahabatimesnow. The screen name is



1       overyournoses with the running man on fire. So I noticed  
2       that this account was a mutual friend of my primary target.  
3       And, you know, essentially, you know, on Twitter you can  
4       have essentially, you know, kind of a group conversation, or  
01:11:48 5       you can post -- you know, you can tweet things that can be  
6       seen by everybody.

7               And I tweeted a picture of a tent in a desert  
8       landscape, kind of like a camping trip in the desert.

9               And what I posted that, or when I tweeted it, I tagged  
01:12:07 10       it with the Twitter account for this user and for the -- my  
11       original target so it would come to their attention.

12              And once the user of this Twitter account saw that  
13       picture of a tent in a desert landscape, he responded with  
14       this tweet here.

01:12:26 15       Q.     And you made a statement earlier about a running man  
16       on fire.

17              Were you referring to the profile picture of this  
18       account?

19       A.     Correct.

01:12:34 20       Q.     For @sahabatimesnow?

21       A.     Correct.

22       Q.     And what does sahaba mean?

23       A.     Sahaba is another Arabic word and it has a very strong  
24       Islamic meaning. And it refers to the close companions of  
01:12:48 25       the Prophet Muhammad and the first generation of Muslims in

1 Saudi Arabia.

2 Q. So after this tweet, did you have additional tweets  
3 back and forth with the picture you had posted?

4 A. Yes. All of my communication on Twitter with this  
01:13:07 5 user was -- I have screen shots for it.

6 Q. And if we could please move forward to the next page?

7 A. So this was the beginning of kind of a short  
8 conversation or dialog about the picture that I posted or  
9 tweeted.

01:13:20 10 Q. So on what is page 3 of Exhibit 2, there's a screen  
11 shot where there's like some kind of bar in the middle with  
12 like a phone shaking.

13 What is that?

14 A. That was my poor attempt to get a screen capture or a  
01:13:36 15 screen shot of this screen. So simply it's the volume  
16 button for my phone that got inserted on top of the screen  
17 shot.

18 But you can see underneath it that the Twitter handles  
19 for both my primary target and the second user are visible.

01:13:52 20 I mean sahabatimesnow and AbdulRa103. And then the  
21 line of text below that is my tweet in continuation of the  
22 comments about the tents in the desert picture.

23 Q. And what was your response?

24 A. "This ain't the only desert I've been to."

01:14:12 25 Q. Can we go to the next page, please, page 4?

1 And what else did you respond that's on page 4?

2 A. So the user of the Twitter account, sahabatimesnow  
3 first brought up a concern that I tweeted out a picture that  
4 could have a geographic location tied to it. He said he  
01:14:33 5 wasn't sure that if I meant that only for the other brother  
6 to view it or if I accidentally tweeted out a picture to the  
7 public that I maybe should keep private.

8 And I just respond the saying, "Hey, there is no  
9 worries about this. This is simply a picture in the desert.  
01:14:53 10 There's no time stamp associated with when that picture was  
11 taken. There's no geo location tagged to the picture. No  
12 faces, no identities."

13 In other words, there was nothing that that picture  
14 could be used to tie back to my true identity.

01:15:09 15 Q. And what date and time was this exchange taking place?

16 A. This happened on April 8, 2015.

17 Q. And what file was this message or tweet?

18 A. The tweet is at 10:26 a.m.

19 Q. Did this conversation eventually transition to a  
01:15:26 20 Surespot account?

21 A. Yes, it did.

22 Q. And how did you learn the Surespot account name of the  
23 person you were communicating with?

24 A. So I think after, you know, a short volley of tweets  
01:15:39 25 back and forth, this Twitter user then sent me a direct

1 message, a single message to only me, where he provided a  
2 Surespot account.

3 Q. Okay. If we could move forward to page 14 of Exhibit  
4 2.

01:15:53 5 I'm sorry, not Exhibit 14, but page 14 of Exhibit 2.

6 And let's move -- taking a look at page 9 of Exhibit  
7 2, there's a date and time stamp?

8 A. Correct. April 8, 2015 at 10:32 a.m.

9 Q. Okay. And if we could move forward to page 10,  
01:16:58 10 please.

11 And then page 11, please.

12 So is this a tweet or a direct message?

13 A. So this followed the exchange of tweets back and  
14 forth. And this is a direct message sent by the user of  
01:17:22 15 that Twitter account privately to my Twitter account.

16 Q. And what is the time on this?

17 A. This is 10:34 a.m.

18 Q. Was this the same day as that other exchange of tweets  
19 we just saw?

01:17:35 20 A. Yeah. I mean it followed a few minutes after we had  
21 that, kind of tweet and Twitter conversation.

22 Q. And if we could move forward please to page 12. And  
23 enlarge the top, please.

24 So previously there was a redaction in part of the  
01:17:55 25 communication.

1 Does this show the unredacted communication?

2 A. Yes, so "Ss" stands for Surespot. It's, in this  
3 community of online users, this abbreviation is commonly  
4 understood to mean Surespot.

01:18:09 5 And then it's followed by the Surespot screen name.

6 Q. And what was that screen name?

7 A. Lovethehaqq.

8 Q. And what was the time of this communication again?

9 A. 10:34 a.m.

01:18:22 10 Q. Did you indeed communicate with lovethehaqq and  
11 Surespot?

12 A. I did.

13 Q. If we could please pull up Exhibit 3.

14 What is Exhibit 3?

01:18:33 15 A. So this is a screen shot of half of a conversation.  
16 What you see are the -- the text is from me. And you can  
17 see on the very top center it says, "LionofTawheed."

18 That was the name I was using at that time. And the  
19 person I was communicating with has the Surespot screen name  
01:18:53 20 of lovethehaqq. And you can see this happened -- if you can  
21 see the date and time, it's on April 8, 2015 at 10:36 a.m.

22 So, you know, this is a matter of minutes following my  
23 receipt of that Twitter direct message.

24 And then I should point out or remind everyone that  
01:19:12 25 the user of this abruptly and unexpectedly deleted the

1 account. Immediately after the conversation such that I  
2 lost the -- the half of the conversation from the user. So  
3 we just have my half.

4 Q. Is that first line your greeting back to this person?

01:19:31 5 A. Yeah. So as instructed on Twitter, I sent an  
6 invitation to the user of lovethehaqq. That person accepted  
7 the invitation and then initiated the conversation with me.

8 So my first line of text is the reciprocation of that  
9 initial greeting.

01:19:49 10 Q. There's an answer you give, "So we've talked b4?"

11 What did you mean by that?

12 A. So the other user very quickly pointed out that, "Oh,  
13 you're still using this estimate account, this same line of  
14 Tawheed account." So he knew me or he recognized my

01:20:05 15 account. And, again, I've only used this account with two  
16 people only.

17 And so I just highlighted that, that he must be  
18 familiar with me.

19 Q. And you said there were two people that you had  
01:20:17 20 previously used this account, the original target and then  
21 the shamreason.

22 Is there any reason why you believed this -- the  
23 person communicating to be one or the other of those two?

24 A. Well, I knew it was not my original target because I  
01:20:32 25 was communicating with him ongoing on a -- on his separate

1 Surespot account. And you can only have one Surespot  
2 account for one phone.

3 And I already had an ongoing almost daily conversation  
4 the original target. So I had high confidence that this was  
01:20:51 5 a different person, this was a separate person.

6 And there's only two people that were aware of my  
7 address, so to speak, my Surespot contact information.

8 Q. There's also a comment about "Never linking your  
9 Surespot account with your Twitter account."

01:21:08 10 What did you mean by that?

11 A. So I could tell this person was very concerned about  
12 privacy, and, you know, spies and detection by the  
13 government. And so to assure him that I was kind of a safe  
14 person to communicate with, I gave him an insurance that I  
01:21:22 15 would not link my Surespot contact information on a Twitter  
16 account that potentially could be seen by the public.

17 I was just trying to demonstrate that I was using  
18 some kind of communication security, or I was very conscious  
19 of it, as well, because I could tell the other user was  
01:21:40 20 concerned about this sort of thing.

21 Q. There's also reference to "Good naseeha." What does  
22 that mean?

23 A. That means good advice.

24 Q. What happened at the bottom of this page?

01:21:52 25 A. If I could add, when I said you're full of good

1 advice, it was because the other user said, "Hey, I've been  
2 using the same account for too long," or he noticed that I  
3 had used this same account for, at this point, a couple  
4 weeks. And he was surprised that I hadn't deleted it and  
01:22:08 5 changed it and turned it over.

6 And so I was just saying, "That is a good idea. Good  
7 point. I should kind of rotate my accounts through."

8 Q. And did he mean your Surespot account you were using?

9 A. Yes.

01:22:20 10 Q. So what happened then at the bottom of this page in  
11 the communications?

12 A. So he instructed me -- he either instructed me that he  
13 was going to create a new account or that I needed to create  
14 a new account. And so there was an anticipated transition,  
01:22:35 15 that someone was going to make a new account. And I said,  
16 "Okay. Just a minute, give me a minute so I can set this  
17 up."

18 Q. Okay. Can we go to the next page, please.

19 So taking a look at page 2 of Exhibit 3?

01:22:49 20 A. Right.

21 Q. What does -- what does the user names at the top  
22 indicate to you?

23 A. Yeah. So as I previously said, the other user pressed  
24 the importance of changing accounts. And so I followed his  
01:23:05 25 guidance and I created a new account.



1 And so my account is at the very top center, and it's  
2 "jundullah" which means soldier of Allah, and I was still  
3 communicating with the user of lovethehaqq. So this is my  
4 second account still talking to the first person.

01:23:25 5 Q. During your communications with this person, was this  
6 a common occurrence to change accounts?

7 A. With this person?

8 Q. Yes.

9 A. Yes, this became the norm.

01:23:31 10 Q. And would that also include the other person changing  
11 their accounts?

12 A. No, at this point I never talked with anyone who had  
13 such discipline or consistent behavior of varying their  
14 accounts. I never under countered anyone who was

01:23:46 15 essentially so paranoid or really had a practice of not  
16 leaving a trace.

17 Q. So just taking a look at this screen, can you just  
18 briefly explain to the jury what this conversation is about?

19 A. You know, reciprocating with the greeting, the first  
01:24:02 20 line.

21 You know, I said, "So you mix it up a lot," and I was  
22 referring to his demonstrated behavior of, you know, trying  
23 to not leave a trace, an electronic trail of his activity.

24 I just told him that I -- you know, I talk to very,  
01:24:17 25 very few people. You know, conveying that I keep a pretty

1 small circle, that I won't and risk to him.

2 And that, you know, I said in the middle there, only  
3 if I first have a reference from someone I know in real  
4 life. I was just conveying that I'm very selective with the  
01:24:33 5 people that I'll interact with.

6 The question about you have the water problems? That  
7 was some kind of reference to the geographic region of the  
8 southwest because at the time in April of 2015, there was a  
9 drought, it was a major headline in the news about a drought  
01:24:52 10 in the southwest. And so I think we -- there's some  
11 reference to that geographic area.

12 Q. Okay.

13 A. There's obviously there's some Islamic phrases in  
14 there.

01:25:03 15 Q. Can we please move to page 3 of this exhibit?

16 Now, on page 3 there is a reference, the second line  
17 down to at that "ar-Razzaaq comment to you earlier," what  
18 was that a reference to?

19 A. I don't remember the details of it. It was a while  
01:25:25 20 ago. So I made a tweet, or a comment invoking one of the  
21 names of Allah, one of the 99 names of Allah, ar-Razzaaq and  
22 I was trying to see if he observed that or not.

23 And then in the same portion of conversation, I recall  
24 that he was asking me if I was in Ohio, or if I knew the  
01:25:46 25 brother, you know, a brother, or the brother in Ohio.

1 He seemed to indicate that he knew someone in Ohio.

2 I think he was asking me if I knew him.

3 Q. And did you make another reference to having been a  
4 Muslim for two years in this communication?

01:26:06 5 A. Yes. In the middle, you can see I said "Almost two  
6 years in the deen." That just means in the religion.

7 I asked him how long had he been a Muslim.

8 Q. And if we can move to page 4, please. I'm sorry, 3 of  
9 3.

01:26:25 10 At the very bottom there's an answer by you about  
11 encouraging to hear brothers still striving after 20 years?

12 A. Yeah, that was because he told me that he had been a  
13 Muslim for about 20 years. And so I was just telling him  
14 that's great to hear. Good to know.

01:26:39 15 Q. Okay. Was there a change in communication accounts  
16 after this communication with lovethahaqq? Did he again  
17 change -- was there a change in the account he was using  
18 from lovethahaqq to something else?

19 A. Yeah, and you can see what the -- the continuation of  
01:27:02 20 this conversation. There's another deliberate transition  
21 involving a new account.

22 Q. So we just moved on to page 4 of Exhibit 3.

23 At the top, is that that reference to still striving  
24 after 20 years; that your response to his answer about how  
01:27:40 25 long he had been a Muslim?

1 A. Yes. And that was just my way of trying to elicit  
2 kind of biographical data point. It kind of helps us narrow  
3 down an age range of who I was talking to, if they had  
4 presumably been an adult and a Muslim for 20 years.

01:27:57 5 Q. And that other target that also had your Surespot  
6 account, was this information consistent with that target?

7 A. No.

8 Q. So did this also help you identify who you were  
9 communicating with?

01:28:10 10 A. Yes. I mean, I had high confidence that I was talking  
11 to two different people, the only two people who had my  
12 account information. And they're separate conversations.

13 Q. Towards the bottom third, there is a reference in one  
14 of your answers to "I'm not sure what you mean about the  
01:28:28 15 grid.

16 What was that in response to?

17 A. The user impressed an importance on staying off of the  
18 grid. And, you know, he just used that term. And I want to  
19 know, well, how would he define staying off of the grid.

01:28:45 20 Q. And what was his response?

21 A. Well, he, later in the conversation, gave kind of a  
22 list of criteria or ways to stay off the grid, which is  
23 basically to disconnect from society, not leave an  
24 electronic trail, kind of get up and move around, you know  
01:29:03 25 and there's other places -- once we have -- after this

1 conversation, I have the full consideration, both sides of  
2 the conversation, where he gives pretty clear guidance for  
3 how I can stay off the grid and not really be traced or  
4 tracked.

01:29:18 5 Q. If we could move not next page, please.

6 So at the bottom of this page, there's a couple of  
7 answers. It's a continuation of the conversation. At the  
8 very bottom where it's, "Huh. Okay." And then the letters  
9 "iA"?

01:29:32 10 A. Right.

11 Q. What was going on there?

12 A. Yeah, so I'm pretty sure that at this point he  
13 informed me, "Hey, I'm going to transition to a new account.  
14 I'm going to dump this one and create a new one." And I  
01:29:44 15 responded with "Okay."

16 And he said something like "I'm signing off." And the  
17 "iA" stand for the praise inshallah which means God willing.  
18 It's just abbreviation, shorthand for saying God willing.

19 Q. And throughout your testimony if you see these  
01:30:02 20 letters, is that what it means?

21 A. Yes.

22 Q. And what was the date and time of the last entry?

23 A. 10:56 a.m. and April 8, 2015.

24 Q. And did he transition to a new account then?

01:30:12 25 A. Yes. So I think the next -- my documentation of my

1 communications will show that I received a message from a  
2 different account. I maintained my current account, but I  
3 received an invitation to communicate with a new account.

4 Q. If we could please move to Exhibit 4.

01:30:30 5 And what is Exhibit 4?

6 A. So again, the top center, that's my screen name, my  
7 account. And then this is a newly created account and it's  
8 called cantdeny.

9 Q. And what is the date and time of the first entry?

01:30:49 10 A. 10:58 a.m., so about two minutes later from the  
11 previous slide, I received a message from the user of this  
12 account, and it says, "Bismillah," which just means in the  
13 name of Allah, which is a common Islamic practice of kind of  
14 initiating the conversation or initiating something. They  
01:31:09 15 simply say they're going to do this in the name of Allah.

16 Q. So there's also now some blue lines, sort of indented  
17 from the left edge of the screen. What do those blue lines  
18 indicate?

19 A. So at this point, you know, the deletion of the other  
01:31:23 20 accounts, the previous accounts, was unexpected to me. And  
21 so I wasn't able to take pictures with a separate camera of  
22 those.

23 At this point, I anticipated this regular turnover of  
24 new accounts and so I was better prepared and was able to  
01:31:40 25 capture both sides of the conversation.

1           And so the text with the blue line, that's from the  
2           other user. That's from the user of cantdeny, and without  
3           the blue line, those are texts from me.

4           Q.     Is there a continuation of your previous conversation  
01:31:58 5           about being on and off the grid?

6           A.     Yes, we didn't miss a beat. It was a pretty smooth  
7           transition. This user clearly knew the content of the  
8           conversation we had just a few minutes earlier.

9           Q.     Now, when you're using the social media applications,  
01:32:12 10           are there times when the questions and the answers don't  
11           fully match up?

12          A.     Yeah, it's just the nature of instance messaging. One  
13           person could pose a question or make a statement. And the  
14           second person, by the time they respond, there's a few more  
01:32:27 15           lines of text inserted between the original question and  
16           answer.

17                 So sometimes it may take a little bit of explanation  
18           to kind of connect, you know, an exchange of texts, you  
19           know, the lines.

01:32:39 20          Q.     Okay. We can please move to the next page.

21                 And so some of these we're going to skip through. But  
22           I just want to ask, was the conversation continuing online  
23           with this individual?

24           A.     Yes. Yeah. And in this case it was -- you know, the  
01:33:00 25           topic of the conversation continued, which was basically how

1 to hide your identity and stay off the grid.

2 Q. And when you're taking these screen shots, are there  
3 times when the new information might only be one line at the  
4 bottom?

01:33:12 5 A. It depends on the application that we're using at the  
6 time. But that certainly can be the case. Yes.

7 Q. If we can -- we're going to skip ahead to page 4 of  
8 Exhibit 4, please.

9 There's a comment in -- you make a comment, "Good  
01:33:30 10 practice, tie up our camels." Was does that mean?

11 A. So the user of cantdeny had been coaching me again on  
12 how to essentially hide my identity. And there's just kind  
13 of a common Islamic way of saying like "That's a good  
14 practice. I need to follow through on that."

01:33:50 15 And kind of the idiom is "tie up your camels," which  
16 means take responsibility for your actions.

17 Tie up your camels so they don't wander off. You need  
18 to have trust and fate in the law, but you also have to be  
19 responsible for your actions.

01:34:05 20 Q. There's also a comment by cantdeny about, "I like that  
21 desert and I was just through that way not long ago."

22 What was that a reference to?

23 A. Well, the genesis of our conversation was, you know,  
24 the picture that I tweeted of a tent in a desert landscape.

01:34:25 25 Q. So did this connect to this conversation back to that



1 Twitter conversation you had?

2 A. Yes. And along the way, we made references to the  
3 southwest as well. So, you know, a U.S. based desert.

4 Q. And at the very bottom there's a reference to an app  
01:34:43 5 called Wickr. What is that?

6 A. So Wickr is another encrypted messaging application,  
7 peer-to-peer. It's foreign owned. At this time, it was  
8 known in the intelligence community to be used by jihadiis,  
9 and it's just a very safe way to have encrypted private  
01:35:03 10 conversations.

11 And it also has a feature to allow for auto delete or  
12 self-deleting of messages that are set on a timer.

13 Q. If we can move forward to page 5, please.

14 So what's the conversation about on page 5?

01:35:26 15 And starting about a third of the way down?

16 A. Okay. So, you know, he recommends me looking into use  
17 of this application Wickr.

18 And he was probing about where I was located at and we  
19 were talking again about that picture. And I just said,

01:35:41 20 "I'm in the southwest of the U.S."

21 And he made a reference to Arizona and New Mexico and  
22 that was a reference to the picture that I had tweeted out  
23 originally.

24 And he seemed to be familiar with the area and was  
01:35:54 25 trying to kind of pinpoint like was that picture taken in

1 Arizona or New Mexico, and I said he was pretty close. And  
2 he said okay.

3 Q. When you say, "A little north," was there a particular  
4 location you were trying to use in your persona?

01:36:08 5 A. So, you know, I was keeping it somewhat general, but  
6 there's, you know, in that area is Nevada and southern  
7 California as well.

8 Q. Is there a reason why you won't just come out and say  
9 where you're from in a conversation like this?

01:36:22 10 A. Yeah, it has to do with my trade craft, and I have to,  
11 given that a lot of this is notional, I have to be careful  
12 how I box myself in and where I say I'm from.

13 Q. If we could move to page 6, please.

14 Does this conversation continue about where you're  
01:36:42 15 located?

16 A. Yes, and also his interest in that type of area.

17 Q. So there's a statement you make, "Still huge wide open  
18 area."

19 What was his response?

01:36:55 20 A. So talking about the southwest and kind of the desert  
21 area, he said, "Anyway I seen it because I was looking for  
22 off-the-grid locations."

23 Q. And then what else does he continue to say in this  
24 conversation?

01:37:12 25 A. So it seems like he had an interest in that type of

1 terrain or that region. However, he doesn't like the local.  
2 So he seems to like the rural area of the southwest and  
3 doesn't seem to be fond of redneck people.

4 Q. If we could please move to page 7.

01:37:32 5 So there's a comment right in the middle of the page,  
6 a reference to "Mushrikeen." What does that mean?

7 A. So I think we kind of agreed that we -- my persona  
8 didn't care for rednecks, like him.

9 So I said, "I am not trying to be racist, but they're  
01:37:57 10 all kind of the same to me because they're all Mushrikeen."  
11 And Mushrikeen is a term, an Islamic term -- it's one way of  
12 saying people that are nonMuslims. More specifically, it's  
13 people that worship other things besides Allah.

14 Q. And what was his response?

01:38:17 15 A. He said that's the truth. Because I basically said,  
16 "Hey, if you're not a Muslim, then you're all the same to  
17 me. It doesn't matter what color you are. If you're not a  
18 Muslim, if you're someone who commits the Islamic term of  
19 shrik, that makes you a mushrik or mushrikeen or nonMuslims,  
01:38:38 20 and that puts them all in one category, and he responded  
21 with the word haqq which means the truth, as if I had just  
22 spoken the truth.

23 And that kind of gave me some insight as to how he  
24 views the world or how he views nonMuslims.

01:38:54 25 Q. He also asked you a question whether you're working,

1 and he says, "Don't tell job."

2 What did you take that to mean?

3 A. He was wondering if I was working, but he didn't want  
4 me to give up specific biographical information about  
01:39:07 5 myself.

6 Q. Is that consistent with your interactions in these  
7 kinds of cases?

8 A. No. That's odd. It's odd that you would have a  
9 lengthy conversation with someone where, you know, the other  
01:39:18 10 party doesn't want to know biographical information and is  
11 also careful about giving it up as well.

12 Q. Can we please move to page 8.

13 And then go ahead and move to page 9, please.

14 There's a comment by him about, "Yes" -- starting  
01:39:44 15 "Yes, we must tie our camels."

16 What did you take that to mean?

17 A. Yes, the idiom means, you know, "We need to be  
18 responsible and take actions. We can't just have kind of  
19 faith and hope things work out."

01:39:59 20 Q. And then there's a comment about "putting the camels  
21 in safes and handcuffs"?

22 A. Yes. And -- I mean, you can interpret that, you are  
23 just concerned about people getting arrested by use of the  
24 word "handcuffs."

01:40:13 25 And by the way, right before this I use the term

1 "Al-walaa' wal-Baraa," which means love and hate. It's an  
2 Islamic doctrinal concept that's heavily emphasized by  
3 jihadis, particularly ISIS, ISIS kind of brand themselves as  
4 those that optimize this phrase and he responded with two  
01:40:37 5 "Yeses" after I mentioned that phrase.

6 Q. There's also a comment by him, "If we were going to  
7 travel this path."

8 What did you take that to mean?

9 A. So he had an idea of traveling down a path. And this  
01:40:51 10 path, up to this point, as he described involved living off  
11 the grid and -- just before this he mentioned handcuffs and  
12 taking responsibility for ourselves.

13 So I think you could infer that the path that he had  
14 in mind, the path traveling down involved doing something  
01:41:13 15 that may involve handcuffs, and it was important to avoid  
16 detection and the government.

17 Q. Okay. And move to page 10, please.

18 And so the conversation continued; is that correct?

19 A. Yes.

01:41:30 20 Q. Go to page 11, please.

21 There's an exchange by him at the top of page 11.  
22 Could you please explain that for the jury?

23 A. Yes -- do you mind if we go back one page just so I  
24 can see the context of what I said?

01:41:46 25 Okay.

1 Q. Sure. We've gone back to page 10 of Exhibit 4?

2 A. Yeah, so we have to have fear of the Allah and the  
3 predestination of Allah and if we do that, that will drive  
4 out any of our human fear.

01:42:03 5 And I said at 11:15, "Too much blaming without daleel  
6 hurts the ummah." That means too much blaming or making  
7 excuses without proofs or evidences, that hurts the Islamic  
8 community, the ummah.

9 Q. And if we move to page 11, his response to that?

01:42:20 10 A. And then he said, "We need to believe that Allah is  
11 with us or not." And he says, "I know, brother. And it  
12 hurts." "Wallahi" means it hurts, I swear by Allah it  
13 hurts, and then he said, "I keep my chopper ready by my  
14 door."

01:42:37 15 Q. In your experience, what is chopper a reference to?

16 A. Chopper is a slang used for assault rifle.

17 Q. At the bottom of this page, there's a comment by you  
18 about saying, "It's a war of religion."

19 What was your purpose in making that comment?

01:42:50 20 A. So by saying "it's a war of religion," that means, if  
21 you look at the term war of religion, that's a -- that can  
22 be interpreted as a war of ideas, I'm not talking about  
23 physical war here. I'm talking about war of belief system.

24 If the other user, if someone else want to make this a  
01:43:09 25 physical war, well, that's -- that's their decision or their

1 prerogative.

2 But I was simply acknowledging that this other user  
3 was kind of dividing people in the world into Muslims and  
4 nonMuslims. And so I was just kind of reaffirming that I  
01:43:27 5 think the same way and that I see that this is a war of  
6 religion.

7 Q. If we could move on that page 12, please.

8 Did the -- did this person you were talking to have  
9 discussions with you about other forms of encrypted  
01:43:45 10 communications?

11 A. Yes.

12 Q. And was this -- is this an example of one of those  
13 communications?

14 A. Yeah.

01:43:51 15 Q. At the bottom of the page?

16 A. Yes, KIK is the name of another encrypted messaging  
17 application. And I mentioned that and then he gave his  
18 opinion and whether or not that was an encrypted app that he  
19 and I should be using.

01:44:08 20 Q. If we move on to page 13, please.

21 There's also a reference here to his response, the  
22 third one down, about, "When I ask brothers to go to another  
23 app, they think I'm them boys or something."

24 When did you take that to mean?

01:44:23 25 A. So, them boys is probably a reference to the

1 government, meaning agencies that, three letter agencies.  
2 That's what I would interpret that when he mentioned them  
3 boys.

4 Because he was talking about his behavior of changing  
01:44:41 5 all these accounts. And what I inferred that he was saying  
6 is that other people find this behavior suspicious, too.  
7 And other people that he does this with, find it so  
8 suspicious that they think he might be the spy. He might be  
9 an agent of a government agency.

01:44:59 10 Q. And there's -- is there also reference in this page to  
11 that earlier target that you talked about starting this  
12 investigation?

13 A. Yes, so at 11:20, the user of this account says, "I  
14 have it," meaning he has another encrypted messaging app  
01:45:17 15 called Chat Secure. So he has it. And he says, "I taught  
16 your friend about it and he taught you about it." And that  
17 is consistent with my communication with my original target  
18 who I knew he was a friend of.

19 And here he tells me that he taught the other guy  
01:45:34 20 about Chat Secure, which I confirmed because that was the  
21 case when I was talking to the original target, he told me  
22 that this user was also using Chat Secure and he was  
23 actually trained on it by this user, the original target was  
24 trained on how to use Chat Secure by the user of cantdeny.

01:45:55 25 Q. Now, at some point, did this cantdeny ask you about



1 any skills that you had?

2 A. Yes, he did.

3 Q. If we can move forward to page 14, please.

4 Did he also ask what your age was?

01:46:07 5 A. Yes.

6 Q. And do you see that on page 14?

7 A. Yes.

8 Q. Where is that?

9 A. So at 11:22 he asked me if I was "Over or under the  
01:46:18 10 age of 30."

11 Q. And then what did he ask you next?

12 A. If I had "Any specific skills that were noteworthy."

13 Q. If we can move to page 15, please.

14 What did you mean by your response in the middle of  
01:46:34 15 the page, "Yes, but I shouldn't say, not here."

16 A. So this person had generated behavior of being  
17 concerned about revealing his identity, and so I was trying  
18 to play into that, too, that I wasn't going to give up all  
19 of my personal information as well.

01:46:51 20 And -- because I figured that he would probably  
21 respect that. He would have regard for that, that I was  
22 being smart just like he was being smart, smart and careful.

23 And so that's why I was -- I was purposely evasive.

24 Q. Can we move to page 16?

01:47:06 25 A. And I also -- earlier we had talk about the encryption

1 capabilities of Surespot, and it did have some shortcomings.  
2 And so because he told me that he didn't think Surespot was  
3 the best way to communicate, the safest way to communicate,  
4 I said that this is -- this isn't the place for me to say  
01:47:24 5 here. Because I figured that he would recognize that I had  
6 some criteria and discretion for how to use the best  
7 security.

8 Q. So at the top of page 16, what does he tell you?

9 A. "Well, brother, here is where most brothers get stuck.  
01:47:42 10 Soon we have to meet inshallah." "IA" means if God wills  
11 it.

12 Q. And what did you take that to mean?

13 A. So, "Well, brother, here is where most brothers get  
14 stuck," I inferred that brothers getting stuck with  
01:47:58 15 like-minded Muslims like him who get in trouble with the  
16 law, or who get compromised.

17 Q. There's also some discussion about making sure you're  
18 not some other brother.

19 What was that about?

01:48:15 20 A. I think that this was a reference to -- we talked  
21 about earlier about a brother in Ohio. And it seemed that  
22 he had lost contact with him, this other brother in Ohio.  
23 Made his conversion to Islam while he was in high school, he  
24 took the Islamic statement of fate called the shahhadah.

01:48:38 25 And it seemed like I was looking for him or he wanted

1 to see if maybe I was him or if I had knowledge of that  
2 other brother in Ohio.

3 Q. If we can move forward to page 17.

4 There's a statement towards the bottom of this page  
01:48:55 5 made by cantdeny that says, "It's an honor to live during  
6 these golden times."

7 How does that fit into the ideology of these cases?

8 A. Well, it was a significant statement to the other  
9 person in my opinion. And so he invoked this issue of honor  
01:49:13 10 and these golden times. And I think that you could look at  
11 the historical events that had taken place certainly in this  
12 time period, which included the emergence of the ISIS  
13 caliphate, and this is consistent with kind of the image  
14 that ISIS tries to put out with their media, certainly as  
01:49:35 15 ISIS media and marketing would put out the time about this  
16 being the golden time, the golden era, the revitalization of  
17 Islam, reemergence of Islamic caliphate and also ISIS came  
18 out with a money currency called the Golden dinar.

19 So it was -- there's certainly the correlation existed  
01:49:55 20 between his use of golden times and similar imagery that  
21 ISIS had used to self-brand.

22 Q. If we can move to page 18, please.

23 In the middle of the page there's a statement by you,  
24 "al-Khillafah finally."

01:50:18 25 What did that mean and what was the significance of

1 that statement by you?

2 A. So al-Khillafah literally means the caliphate in  
3 Arabic and there's only one self-proclaimed caliphate in the  
4 world and that's the ISIS caliphate.

01:50:33 5 So when he was making these illusions to the golden  
6 times, I wondered if that was what he was thinking so I just  
7 threw it out there. In a very short phrase, "The caliphate  
8 finally."

9 I just wanted to see, you know, if that would elicit a  
01:50:49 10 reaction.

11 Q. And did you get a reaction?

12 A. He did. You see -- at 11:30 is what I think was the  
13 reaction to my statement about the caliphate. And it was,  
14 "It could be very costly."

01:51:04 15 Q. If we could move to the next page, please?

16 A. So, in other words, you know, when he said, "It could  
17 be very costly," is I suspect he may have meant that it's  
18 costly to recognize the caliphates of ISIS.

19 Q. And in the middle of that page, what did he tell you?

01:51:22 20 A. He said, "Well, brother, you are not alone."

21 I first said, "Good passion has to be combined with  
22 good judgment."

23 And then he says, "We have land and are building.  
24 That's all I can say."

01:51:37 25 Q. What did you think that meant?

1 A. Well, I didn't have any reason to think that he didn't  
2 mean exactly what he said, "We have land and are building."

3 To that point, he introduced this issue of having land  
4 and building. And there was no other reason for me to not  
01:51:55 5 take him for his literal words.

6 Q. And then what did he tell you at the bottom of the  
7 page?

8 A. "We are in need of money and referrals."

9 Q. And if we could move to page 20, please.

01:52:08 10 What was your response to that?

11 A. The phrase "Allahu akbar," which means  
12 "God is great," essentially what it means.

13 Q. And why was that in all capitals?

14 A. Well, my persona, I decided to respond with some  
01:52:25 15 excitement because he said he is in need of money and  
16 referrals.

17 So I could tell that he was taking on some kind of  
18 project. He needed land. And he's building. And needed  
19 money. So that tells me he is trying to do something  
01:52:37 20 tangible. And when he is trying to find referrals, I'm  
21 assuming he meant people, he was trying to find other  
22 people. So I just gave a response that was excited about  
23 what I suspected he was trying to do.

24 Q. And what was his response to that?

01:52:50 25 A. Well, he did confirm that he was looking for people by

1 saying, "Men and women." And Mashallah means may Allah be  
2 praised.

3 Q. If we can move forward to page 21, please.

4 Actually, if we could move forward to page 22.

01:53:15 5 So there's a discussion on page 22, it appears, about  
6 animals. What was this about?

7 A. So, you could see his comments from the beginning,  
8 they're, you know, "But promise, brother. Learn the proofs  
9 of this work. Make fit your body, mind, and never, never  
01:53:35 10 allow the element of spies to make you a coward."

11 And then I responded with "I ran like a cheetah once  
12 but didn't make it."

13 That was a very kind of metaphorical statement that I  
14 made that didn't pin me down to anything and I just wanted  
01:53:50 15 to see how he would respond to that.

16 At the time there was a trend of thousands of  
17 travelers leaving the west to include the U.S. to go to  
18 Syria and join ISIS.

19 And so I just threw out that phrase there to see, you  
01:54:05 20 know, see if he might suspect that that's what I meant when  
21 I said, "I ran like a cheetah once but didn't make it."  
22 Meaning I tried to do something, tried my hardest, but just  
23 didn't quite finish.

24 Q. And what was his response?

01:54:19 25 A. Well, he seemed to like that statement, with his

1 comments.

2 Q. Did he take that as a joke?

3 A. Well, definitively, I don't know. But you can  
4 see -- then I, with his statements at 11:38, that he thought  
01:54:37 5 that this was significant because whatever I was talking  
6 about, he said, "If it resulted in" -- well, I'll read his  
7 statement at 11:38. It says, "If you are killed, then that  
8 is what you sought. Don't allow yourself to be imprisoned."

9 So I started with just --

01:54:54 10 Q. If I can back you up a second. Immediately before  
11 that, what animal had you been referring to?

12 A. Well, I tried the cheetah, and then I mentioned the  
13 lion.

14 Q. Is there any significance to the lion in ISIS imagery?

01:55:08 15 A. So of all kinds of mascots or animals, ISIS uses the  
16 lion most frequently.

17 Q. And if we could move to the next page to get his full  
18 response. What was his full response?

19 A. So I purposely was just using this kind of vague  
01:55:27 20 imagery of mammals, Cheetah and the lion, to see if to that  
21 elicit a response from him and where he would further  
22 clarify or define what that should mean in his mind.

23 And when I made the lion statement, just an animal  
24 statement, and he said, "If you are killed, then that is  
01:55:46 25 what you sought. Don't allow yourself to be imprisoned.

1 That is humiliation and it pleases the kuffs." And kuffs is  
2 what I interpreted to mean a reference to Kuffar. And  
3 Kuffar just means the disbelievers, nonMuslims,  
4 disbelievers.

01:56:02 5 Q. You also make a reference to a green bird about two  
6 thirds of the way down. What does that mean?

7 A. Yeah. So I'll read the statement, "But it has to  
8 count. Green bird is one thing. The most amazing thing,  
9 but I want to please Allah, subhaanuhu wa ta'ala, the most  
01:56:20 10 exalted and praised -- in the most amazing way possible, the  
11 highest form of ibadah."

12 Ibadah means the highest form of worship.

13 So I used this imagery of a green bird. And that is  
14 an imagery in Islam. And it's in Hadids in Islam meaning  
01:56:43 15 the Prophet Muhammad talked about a green bird, and  
16 specifically a green bird was -- is described that when a  
17 martyr is killed on the battlefield, when the angel of death  
18 comes down and takes the soul out of the fighter who's  
19 killed on the battlefield, his soul is put into the breast  
01:57:02 20 of a green bird. And that green bird flies up to heaven,  
21 and that green bird flies all the way up to the throne of  
22 Allah, so it's at the highest place in paradise, and that  
23 green bird who basically carries the soul of the mujahid,  
24 the fighter, the martyred fighter, all the way to the  
01:57:22 25 highest level of paradise. It's the closest that a soul can



1 be to Allah, to the throne of Allah. And this green bird  
2 resides just underneath the throne of Allah.

3 Q. Is that terminology that you've seen frequently in  
4 your cases?

01:57:34 5 A. Very frequently. This is -- the green bird is  
6 actually -- it serves as like a source of inspiration for  
7 jihadis, because if they die while fighting, then they will  
8 then kind of be transported into a green bird and flown to  
9 the highest level of paradise. This is the possible highest  
01:57:56 10 honor that a mujahid can receive, or kind of an incentive  
11 received.

12 Q. If we can back up, you made a comment "shahadah or  
13 nasr." What does that mean?

14 A. So there is a little definition for these words and  
01:58:12 15 these kind of a -- it can be interpreted in a different  
16 context.

17 So shahadah simply means literally a statement of  
18 faith. And it's the Islamic statement of faith that every  
19 Muslim has to say in order to become a Muslim.

01:58:26 20 You know, the majority of the world understands the  
21 word shahadah to mean just the statement of faith. However,  
22 jihadis have taken that word and they have made their own  
23 meaning of it and it means martyrdom, because in the jihadi  
24 mind, if a person dies fighting for Allah and they achieve  
01:58:49 25 death, then they have just demonstrated the ultimate

1 testimony of their faith, so, therefore, shahadah equals  
2 martyrdom.

3 The second word is nasr which means victory. To  
4 paraphrase, shahadah or nasr means martyrdom or victory.

01:59:07 5 And that is a very common word used by ISIS, that it's  
6 one or the other. They'll be martyred in the process or  
7 they will obtain victory.

8 Q. If we can move to page 24, please.

9 In the context of this conversation, does cantdeny  
01:59:25 10 then make a comment about what appears to be a firearm?

11 A. Yes. At 11:41, he said, "I sleep with my AK, wake  
12 with it, and rub it once I return to it."

13 Q. And what does AK mean to you?

14 A. To me, I understood that AK is a reference to an  
01:59:43 15 AK-47. An AK-47 assault rifle is very commonly referred to  
16 simply as an AK.

17 Q. Okay. If we continue to the next page, please.

18 There's a discussion about bullets that occurs on this  
19 page. What was going on in this discussion?

01:59:59 20 A. What I was trying to confirm that his reference to an  
21 AK was indeed an assault rifle. And so we did have a  
22 conversation about different types of bullets, which I -- I  
23 felt kind of solidified that we were talking about, you  
24 know, weapons at this point. And there's different types of  
02:00:17 25 bullets. I mentioned black tip bullets, which is a specific

1 type of bullet which is armor piercing.

2 Q. Now, did this conversation with cantdeny lead into a  
3 discussion about counter-surveillance advice for you?

4 A. Yes, it did.

02:00:32 5 Q. In we can please move to page 26.

6 Is this an example of the counter-surveillance advice  
7 he started to provide?

8 A. Yes. He offered some suggestions, different  
9 techniques to use counter-surveillance.

02:00:50 10 THE COURT: Counsel, is this a good place,  
11 perhaps, to take a break?

12 MR. SHEPHERD: It would be, Your Honor.

13 THE COURT: All right.

14 Ladies and gentlemen of the jury, please leave your  
02:01:00 15 notepads on your chairs. Remember all the admonitions I've  
16 given you about not discussing the case among yourselves,  
17 not forming or expressing any opinions, no use of any cell  
18 phones or other devices, please.

19 We will see you in about 15, 20 minutes more the  
02:01:15 20 balance of our morning.

21 Thank you very much, ladies and gentlemen.

22 (Jury out, 10:50 a.m.)

23 THE COURT: Counsel, are you read to proceed?

24 MR. SHEPHERD: We are, Your Honor.

02:21:47 25 THE COURT: Sir, I would ask you if you could do

1 me a favor for the benefit of the court reporters, given the  
2 language barrier is the word I'll just use, please, if you  
3 could answer the questions much, more slowly. It's going to  
4 be really difficult for them to take this down.

02:22:04 5 So much, more slowly.

6 Counsel, same with the questions. Much more slowly.

7 MR. SHEPHERD: Yes, Your Honor.

8 THE COURT: Thank you very much.

9 We'll have the jurors brought out, please.

02:22:14 10 (Jury in, 11:15 a.m.)

11 THE COURT: Please be seated, ladies and  
12 gentlemen.

13 All right, counsel, you may resume your examination.

14 MR. SHEPHERD: Thank you, Your Honor.

02:23:40 15 BY MR. SHEPHERD:

16 Q. If we could pull up Exhibit 4, page 26, please.

17 Special Agent Jane, I believe before the break I had  
18 asked you whether you received advice about  
19 counter-surveillance from the cantdeny account; is that  
02:23:57 20 correct?

21 A. Yes, sir.

22 Q. And did you indeed receive several communications with  
23 that advice?

24 A. Yes, I did.

02:24:07 25 Q. And at the bottom of page 26, does that include some

1 of that advice?

2 A. Yes.

3 Q. And if we could move to page 27.

4 What does -- what is advised in the middle of page 27,  
02:24:23 5 if you could briefly summarize?

6 A. This is one example of one of the counter-surveillance  
7 techniques that this person was coaching me on.

8 And, for example, he suggested that I rent out a  
9 storage space, like a storage unit, plant cameras on the  
02:24:40 10 inside of it and then pretend like this is something inside  
11 that is sensitive in nature. And then I can -- later  
12 revisit those surveillance cameras that I planted to see if  
13 that sensitive item was tampered with or if I caught someone  
14 who was this there following up on me, to see  
02:24:58 15 in -- basically to see if someone was following me and  
16 trying see what I was up to.

17 Q. In your prior investigations, had you ever received  
18 any advice like this?

19 A. No. The only one other occasion was with my original  
02:25:13 20 target who also was in communication with the same user.  
21 And he talked about having been coached on the same type of  
22 techniques. That was the only other time. And he told me  
23 that "The other brother is coaching me on the same  
24 techniques." That was the only other time that I heard of  
02:25:29 25 such trade craft or suggested techniques for

1 counter-surveillance.

2 Q. Can we move to page 28, please.

3 Is this additional conversation about  
4 counter-surveillance?

02:25:41 5 A. Yes. And it's just a way to see if it your cover is  
6 blown essentially. And he said that this can all be done  
7 for a cost of \$200 or so, or less.

8 Q. If we could move to page 29, please.

9 And, again, does the conversation continue here?

02:25:57 10 A. Yes, it does.

11 Q. I would like to move forward to page 31.

12 Were you asked about any military capacity you had?

13 A. Yes. At 11:58, the user asked me if I had any  
14 experience in a military capacity.

02:26:15 15 Q. What was your answer?

16 A. I just gave another kind of evasive answer. I said,  
17 "I can't say." And he responded with, "Good."

18 I think that or -- I inferred that -- I gave an  
19 elusive answer that he might read between the lines kind of  
02:26:34 20 like a wink wink comment and then he responded with good.

21 Q. What did he tell you what he was going to do at the  
22 bottom of this page?

23 A. He said that "I will refer someone to you, brother.  
24 And you must get Wickr."

02:26:47 25 So he was going to introduce me to someone else. And

1 I needed to get a different encrypted messaging application.

2 Q. We can move on to page 32.

3 Did he ask anything about traveling?

4 A. Yeah, he asked if I was able to travel. And I said  
02:27:05 5 that, yes, and that I've seen other parts of the world.

6 Q. And if we move on to the next page, please.

7 What kind of travel did it appear he was referring to?

8 A. Well, I was referring to international travel. But he  
9 clarified and asked about travel inside of the U.S.

02:27:26 10 Q. Now, in the context of an investigation, what would be  
11 the importance of that comment to you?

12 A. It's surprising because most people, most Americans  
13 are not concerned about their ability to travel within the  
14 United States. I have observed with other terrorist  
02:27:43 15 subjects the practice of not flying because obviously to go  
16 to an airport, you have to go through additional security.  
17 And that can be problematic for someone who was worried if  
18 the government is watching them.

19 Q. And if we could move to the next page, please.

02:28:01 20 What did he tell you in the middle of the page?

21 A. "We need to establish ourselves here."

22 Q. And what did you interpret that to mean at the time?

23 A. We need to establish or organize ourselves in the U.S.

24 Q. And if we can move on to page 35, please.

02:28:21 25 Did he indicate whether or not he was able to fly?

1 A. Well, he said that he never flies himself. I mean, he  
2 just offered that by his personal policy, he does not fly.

3 Q. Did he say why?

4 A. Yes. At 12:06, he said, "Can't bring my babies and  
02:28:40 5 I'm never without them."

6 Q. Did he elaborate on that further?

7 A. He did not, or -- let me see.

8 "Well, I've done too much flying to stop. That would  
9 look weird for me."

02:28:53 10 At 12:06 he said, "If you know what I mean."

11 So I think he was implying something -- when he said  
12 the statement, "If you know what I mean," I deduced that  
13 when he made the comment about bringing his babies with him,  
14 he wasn't literally talking about human babies.

02:29:09 15 Q. We can move to page 36, please.

16 On page 36, there's a reference to a manual.

17 Do you see that this the middle of the page?

18 A. Yes, I do.

19 Q. What did he say to you?

02:29:22 20 A. Well, first he just said had I read the manual,  
21 without any other indication of what he was referring to.

22 I knew at that time there were two publications  
23 originating from ISIS and/or ISIS supporters written in  
24 English. And these two publications were widely circulated  
02:29:42 25 online in jihadi circles.



1 Q. What were those two publications about?

2 A. One was about hijrah to the Islamic State.

3 Q. Before we go any further, can you spell hijrah,  
4 please?

02:29:57 5 A. Hijrah can be spelled as H-I-J-R-A. It's also  
6 commonly spelled as H-I-J-R-A-H.

7 Q. And what does that mean?

8 A. Hijrah is an Arabic word that literally means to  
9 migrate, has an Islamic connotation to migrate to an Islamic  
02:30:17 10 land.

11 To migrate to a location where you can practice Islam  
12 freely. And in the title of the manual is Hijrah to I think  
13 it said Dawlat al-Islam, which meanings the house of the  
14 Ilam or Dawlat al-Islam. Hijrah to Dawlat al-Islam mean to  
02:30:42 15 migrates to the State of Islam which is the same term that  
16 ISIS uses to call itself the Islamic State.

17 Q. So backing up, so that phrase, "Hijrah to the Dawlat  
18 al-Islam, if I didn't get that right, could you spell that's  
19 Forest into?

02:30:57 20 A. Sure. So Hijrah to Dawlat al-Islam. Dawlat is  
21 D-A-W-L-A-T. al-Islam, A-L, hyphen, I-S-L-A-M. And that  
22 literally means the state of the Islam, Islamic State.

23 Q. So you said there were two manuals indicating at that  
24 time. What was other manual?

02:31:24 25 A. The other one, the title was "How to Survive in the

1 West" and it was a guide to mujahideen or jihadis in the  
2 west and how to survive, how to conduct jihadi activities  
3 within the west.

4 Q. And is that also put out by the Islamic State?

02:31:41 5 A. It's either put out formally or it was put out by  
6 Islamic State supporters. And I think I recall that it was  
7 an official publication from Syria published by the Islamic  
8 State.

9 Q. So taking a look at page 36, this reference to the  
02:31:59 10 manual, what did your response mean when you answered about  
11 backpacking?

12 A. So his response was the letters "MA." And that is a  
13 common shorthand for the phrase "Mashallah." Mashallah  
14 basically means praise be to Allah. May Allah be praised.  
02:32:24 15 And it's usually used in the context of like a positive  
16 reaction, "Like, hey, that's great. It's so great that  
17 Allah should be praised."

18 Q. At this time, did you know which manual he was  
19 referring to?

02:32:35 20 A. I did not. I suspected it was one of these two. One  
21 for traveling to join ISIS or one how to be a jihadi in the  
22 west. But I did not know which of the two.

23 So I just picked my -- I made a reference to  
24 backpacking because that deals -- backpacking refers to  
02:32:52 25 traveling. And so that was my way to kind of test the

1 waters to see if that what he was referring to.

2 Q. If we can move to the next page, please.

3 What's this discussion about on page 37?

4 A. It begins with me making a statement that "I was in  
02:33:08 5 the neck of the woods like 15 years ago." And that was -- I  
6 was alluding to my international travel that I had done 15  
7 years ago. Then he inquired about, "Well, which area, which  
8 neck of the woods," where did I go to.

9 I didn't, you know, clearly refer to that.

02:33:30 10 Q. And then at the bottom you make a comment about "Not  
11 talking about the same manual." What was that about?

12 A. So, you know, we were kind of dancing around this  
13 topic of travel and the manual about international travel to  
14 join ISIS.

02:33:45 15 And it didn't seem like we were getting clarification.  
16 And so I just said, "Hey, maybe we're not talking about the  
17 same manual," because I was kind of in a roundabout way  
18 trying to probe if he was referring to the hijrah to the  
19 Islamic State International Travel manual.

02:34:03 20 Q. If we could move on to the next page, please.

21 So what was his response to that?

22 A. So I said, you know, I don't think we're talking about  
23 the same thing. And so at 12:11, he told me to name a word  
24 in the title, as a way to kind of confirm if we're talking  
02:34:20 25 about the same thing.

1 Q. So what did you tell him?

2 A. So you could see at 12:12, I said in quotations, "H to  
3 the" -- and that was me referring "hijrah to the."

4 And then later at 12:13, I said the letter "D" and the  
02:34:36 5 letter I. That was referring to the abbreviation of hijrah  
6 to Dawlat al-Islam, hijrah to the Islamic State.

7 Q. What was his response to that?

8 A. He said no. At 12:12, he said, "No," but he was  
9 familiar with it. "No, that's not it, but I know the one  
02:34:51 10 that you're talking about."

11 And then at 12:14, he said no, that's not the one that  
12 he was getting at.

13 And then he went on to describe the manual he was  
14 referring to is one that is more detailed about me and your  
02:35:03 15 surroundings.

16 Q. We could move to the next page, please.

17 Does he provide any words from the title of the other  
18 manual?

19 A. Yes. So obviously at 12:14, he talked about, you  
02:35:16 20 know, the immediate surroundings, your surroundings and then  
21 at 12:14 he, in quotations, said the word "survive" which is  
22 also, you know, one of the key words in the title for the  
23 second manual, How to Survive in the West.

24 Q. So this discussion about manuals, did that tell you  
02:35:34 25 anything about the person you were dealing with?

1 A. Yes. Told me a lot.

2 Q. What did it tell you?

3 A. Well, given that there were two widely circulated  
4 manuals and that he was referring or using language that  
02:35:49 5 strongly insinuated that he was talking about How to Survive  
6 in the West, told me that he had read or he had consumed  
7 official publications from ISIS and/or publications about  
8 how to be a good jihadi in the west.

9 Q. Did it also tell you anything about what his  
02:36:08 10 intentions were?

11 A. It told me what kind of propaganda or media he was  
12 consuming.

13 I could infer about what his intentions are, I mean,  
14 by him, you know, either promoting this literature or at  
02:36:27 15 least discussing it.

16 Q. Okay. We can move to page 40, please.

17 Now, during your relationship or communications with  
18 this other individual, did he advise you to contact other  
19 brothers?

02:36:42 20 A. Yes, he did. He would bring referrals to me, other  
21 brothers.

22 Q. And on page 40, does he talk about doing that?

23 A. Yes. At 12:18, you can see that he said, "Okay,  
24 brother. I will have one of my brothers contact you  
02:37:00 25 inshallah. Speak with him and I will speak with you both

1 inshallah. Keep this account, inshallah."

2 Q. If we could move to page 41, please.

3 And page 42.

4 So is there further discussion about this contact  
02:37:20 5 starting on page 42?

6 A. Yes. At that time 12:21. He told me to wait for his  
7 contact.

8 Q. And what question do you have in response?

9 A. "How will I know it's him," referring to how will I  
02:37:34 10 know that I will be talking to the brother that he wants me  
11 to talk to, that he's brokering an introduction. I need to  
12 be able to confirm who is who.

13 Q. If we could move to page 43, please.

14 And what does he tell you?

02:37:48 15 A. Well, he gave me an insurance for how I would have  
16 confidence and confirmation I was talking to the person he  
17 wanted me to talk to.

18 And at 12:22, he told me he would give me something  
19 that would indicate that he knows him.

02:38:05 20 And also, you know, he reminded me there's only one  
21 person who knew about my new handle, about my new account,  
22 and it was him. So I were to have contact with anyone else,  
23 it would be through him. It would be the result of him  
24 passing on my contact information to someone else.

02:38:19 25 Q. There's also this advice about change from your

1 Twitter name.

2 What did that mean?

3 A. So I had been just using one Twitter account. And I  
4 think he noticed that I had not been changing that up. And  
02:38:31 5 so he's giving me advice that I needed to do better to  
6 conceal my kind of my electronic trail.

7 Q. If we could move to page 44.

8 What was the advice he gave you at the top of page 44?

9 A. So he's prepping me for future conversations. And  
02:38:48 10 what to say and what not to say.

11 And one of the examples is he wanted me to omit use of  
12 Islamic terms. And if I were to use any Islamic terms, that  
13 when writing them out, I need to put spaces between letters  
14 for those words so that -- so they wouldn't be, you know, if  
02:39:07 15 there was some kind of an automated electronic scanner  
16 looking for key words, that such a scanner would skip over,  
17 or won't identify that the conversation involved key Islamic  
18 terms.

19 Q. And have you seen that tactic used before in your  
02:39:21 20 cases?

21 A. No, this was the first time.

22 Q. If we can move to page 45, please.

23 Did he give you any other advice on page 45?

24 A. Yes. At 12:28, he instructed me to go and erase or  
02:39:39 25 delete previous interactions that he and I had on Twitter.

1 Q. And how did he spell Twitter out?

2 A. You can see he put a space between the two T's.

3 Q. And if we can please move to the next page.

4 And on -- actually move again to page 47.

02:40:02 5 So on page 47, what did you -- what did you tell this  
6 other person about your accounts?

7 A. So following his instruction, I created a new account  
8 with Wickr, the app that he directed me to.

9 And he told me to, you know, get ready to talk to  
02:40:25 10 somebody.

11 Q. Did he provide you instructions?

12 A. Yes, he did. He had essentially ground rules for how  
13 that conversation would go or what was permissible.

14 Q. And are those the ground rules that are listed here on  
02:40:36 15 page 47?

16 A. Yes, right in the middle, 7:24.

17 Q. What was the purpose in you contacting this other  
18 brother?

19 A. I was just going with the flow. I was going with the  
02:40:48 20 direction of the person I was talking to. And this was  
21 something important to him. And so I wanted to see what it  
22 would bring, what kind of people he was going to bring to me  
23 and for what purpose.

24 He stated earlier that he wanted to, you know,  
02:41:02 25 establish ourselves, which I understood he understood wanted



1 to organize people, a group, or something. And so I wanted  
2 to see what his purpose was.

3 Q. If we can move to page 48, please.

4 There's a response in the middle here at 7:26 p.m.  
02:41:21 5 from cantdeny.

6 What did he take that to mean?

7 A. So at 7:26 he said, "Okay. I assume all the risk. I  
8 love you brothers. I hope Allah will put us in jannah in  
9 the highest level."

02:41:36 10 Q. Did you spell jannah?

11 A. Jannah is spelled J-A-N-N-A-H. Jannah is just the  
12 Islamic word for paradise, for heaven.

13 So he's saying he hopes that by doing this that Allah  
14 will put us in the highest level of paradise.

02:41:54 15 He also said, "I assume all the risk," which I presume  
16 by that statement is that this was risky behavior, if he is  
17 saying he assumes the risk, that he understood that there  
18 was risk involved and it probably involved the brothers.

19 Q. And did he ask you for anything then?

02:42:12 20 A. Yes, he asked me for my contact information to use the  
21 messaging application Wickr.

22 Q. Did you provide that to him?

23 A. Yes, I did. And also -- yes.

24 Q. If we can move to page 49, please.

02:42:26 25 Did you eventually provide your Wickr user name?

1 A. Yes. At 7:31, I provided the Wickr screen name which  
2 also serves as the contact information in Wickr as al  
3 Furqaan and I put a space between -- after A-L, I put a  
4 space before the letter F.

02:42:52 5 But in Wickr, you have to write it all as one word.

6 Q. If we could November to page 50, what happened then?

7 A. I received a message on Wickr, this is, you know, the  
8 first time when I was using Wickr, but I received a message  
9 from someone new that had my contact information.

02:43:13 10 Q. If we can move, please, to Exhibit 5 actually can we  
11 go back to the last page of Exhibit 4, please, page 50 of  
12 Exhibit 4.

13 What was the time of the last communication at the  
14 bottom of the page?

02:43:32 15 A. 7:32 p.m. on April 8.

16 Q. And if we can now move to exhibit 5.

17 So what is Exhibit 5?

18 A. So this is the beginning of a conversation on April 8  
19 also at around 7:36, or 7:35.

02:43:52 20 And this is the beginning of a new conversation from  
21 my newly created Wickr account. And I received a contacts  
22 from a user who was using the screen name of hereafter.

23 Q. And what was the first response, the first message  
24 from hereafter?

02:44:11 25 A. So on the left where the letter H is, the white boxes

1 next to the letter H in the left, those are from the other  
2 person. And he said, "Brother, make sure you debrief me  
3 after your initial talk," and this was consistent with the  
4 guidance I had just received from the Surespot conversation  
02:44:29 5 of -- that he was going to pair me up with someone else and  
6 that I needed to report back to him and how the conversation  
7 went.

8 Q. Now, have you previously reviewed all the screen shots  
9 we're talking about today?

02:44:40 10 A. Yes.

11 Q. I noticed on this one there's a date inserted in the  
12 margin on the right-hand side.

13 Do you see that?

14 A. Yes.

02:44:48 15 Q. Was that date inserted by you to help guide the timing  
16 of these communications after reviewing all of them?

17 A. Yes.

18 Q. And is there always, unlike Surespot, is there a time  
19 and date stamp imposed on Wickr?

02:45:02 20 A. Wickr occasionally will put the time of day. In this  
21 case you can see in the bottom right corner 7:36, at the  
22 very bottom, 7:37, Wickr will intermittently put the time.  
23 And for the date, you know, when I took the original photos,  
24 there's always the metadata with the time and date stamped  
02:45:22 25 on the original pictures.

1           So it wasn't hard for me to keep track of the day or  
2           time.

3           Q.     And if we could enlarge the sort of bottom third of  
4           this exhibit, please.

02:45:36 5           I want to ask you a look at the very bottom it says,  
6           "Destruction in one day."

7           What does that mean?

8           A.     So Wickr has a feature where either user can set self-  
9           destruct settings to where the messages will automatically  
02:45:53 10          delete after a specified period of time. In this case, the  
11          setting was set -- these messages would erase after 24  
12          hours.

13          Q.     And was that the setting for your messages?

14          A.     That was for mine, which I think is also the default  
02:46:04 15          setting.

16          Q.     So under the messages from hereafter on the left, I'm  
17          underlying what appears to be a date, hour, minute, second  
18          time.

19          What does that mean?

02:46:16 20          A.     So that's the self-destruct settings that the other  
21          person had set for their messages. So the other person made  
22          the setting that all of his messages would delete after one  
23          hour.

24                  And in this case, it's like a countdown clock that  
02:46:31 25          there's 57 minutes left before those messages would

1 disappear.

2 Q. And when that happens, does it delete from your  
3 account as well?

4 A. Yes.

02:46:38 5 Q. Could we move on, please, to the next page.

6 So in the middle of this page, there's a statement by  
7 hereafter, "What your take of the convo, brother."

8 What was he referring to?

9 A. What was your take or what was your opinion of how the  
02:47:02 10 conversation went with the brother.

11 Q. Did you indeed talk to this other person using Wickr?

12 A. Yes.

13 Q. Did you later learn who that person was?

14 A. Yes.

02:47:10 15 Q. And who was that person?

16 A. That was an FBI informant.

17 Q. Did you know that at the time when you started the  
18 communication?

19 A. I think at the time I did not, but I shortly -- I was  
02:47:21 20 able to reach back for some coordination to some other

21 agents, and they were able to confirm that indeed it was  
22 another FBI informant, but at first, I don't think I did.

23 So I just played along.

24 Q. If we could move to page 3, please.

02:47:36 25 There's a statement here by you, "We hinted at

1 things."

2 What did you mean by that?

3 A. Well, I wanted to create the impression that with this  
4 other brother that I was paired up with, that we had some  
02:47:51 5 kind of meaningful or sensitive conversation or that it was  
6 leaning in some kind of direction. And so I just threw it  
7 out there. I wanted to give him the impression that there  
8 was something to hint about, or that if I said we hinted at  
9 things, if we hinted at things, that implies that we had a  
02:48:07 10 deeper meeting, that we were trying to conceal, and we  
11 weren't completely comfortable with just outright revealing  
12 our true thoughts at first.

13 Q. Okay. If we could move forward to page 5 of Exhibit  
14 5.

02:48:21 15 What did he tell you about his level of trust with  
16 you?

17 A. Well, he told me that by him pairing me up with  
18 someone else, that this was an indication that he trusted me  
19 or at least my -- his trust in me had increased.

02:48:42 20 Q. Okay.

21 A. He called it -- he said, by him sharing one of his  
22 contacts with me, this was a firm and rest lieutenant token  
23 of trust. And I should consider it that it should mean a  
24 great deal.

02:48:54 25 Q. And if we can move forward to page 7, please.

1 What did he tell you on page 7?

2 A. He said that "We need to organize more brothers."

3 Q. And what did he do with the word "organize"?

4 A. He put a space in the middle of the word after the "A"  
02:49:13 5 so that it didn't read completely, which was consistent with  
6 the trade craft that he established that for key words or  
7 sensitive words, it was advisable to kind of break up the  
8 spelling of them so they could not be detected, or it would  
9 be harder to be, you know, detected.

02:49:30 10 Q. What else did he say about organizing?

11 A. He said, at 8:56 p.m., "We have a team, but we are  
12 scattered and nobody likes to trust each other. Therefore,  
13 someone must travel and meet each other a verify each  
14 other," meaning what I understood him, that just by the  
02:49:47 15 nature of having online contacts, it was difficult to trust  
16 who was on the other end and he needed or someone needed to  
17 go physically travel around to meet people to build that  
18 trust, to get that final verification.

19 Q. If we could move forward to page 8, please.

02:50:03 20 And then to page 9.

21 What did he tell you in the middle of page 9?

22 A. He said, "There's a home stead in place." And he used  
23 that same technique of breaking up the spelling of the word  
24 homestead.

02:50:20 25 Q. What did he ask you then at the bottom of the page?

1 A. "Are you able to travel or no?"

2 Q. If we can move to the next page, please.

3 On page 10 of Exhibit 5, what did he ask you to do  
4 about your self-destruct settings?

02:50:40 5 A. He saw that my self-destruct settings were on the  
6 default set to go expire in 24 hours and I needed to reduce  
7 it to one hour.

8 Q. And if we could move to page 11, please.

9 What did he ask you here?

02:50:56 10 A. He asked me what the -- what my nearest state was  
11 which I understood to be what was my geographic location.

12 Q. And what did you respond?

13 A. I responded with the "Southwest." And then he  
14 responded with "TX" which I understood to be Texas?

02:51:16 15 Q. If we can move forward, please, to page 17.

16 What did he indicate to you on page 17?

17 A. So in the middle there you can see in the white box  
18 this user said, "Believe it or not there are ex-intelligence  
19 people who are connected as well. So I never underestimate  
02:51:42 20 the soldiers of Allah."

21 So I understood that he was talking about other people  
22 that may be in his group and that group of soldiers of Allah  
23 should not be underestimated because some of those soldiers  
24 of Allah within this group are actually ex-intelligence  
02:52:04 25 people, who was formerly associated with presumably the U.S.



1 government or a U.S. intelligence agency.

2 Q. And if we could move forward to page 20, please.

3 So what did he tell you on page 20 about meeting?

4 A. He said, "I will elaborate and more of the protocols  
02:52:27 5 with you inshallah," God willing, meanwhile try to get more  
6 brothers for me to meet while I'm out that way. That's a  
7 long drive for me.

8 And so he had also mentioned that he would be  
9 traveling out to the southwest because he had three brothers  
02:52:42 10 to meet.

11 Q. If we can move forward to page 21.

12 Do you see the reference you just made about there  
13 being other brothers to meet there?

14 A. Yes, he said, "You are the third brother out that way  
02:52:55 15 that I must meet." So I knew I was one of the three.

16 I suspected that the remaining two involved my  
17 original target who was also in the southwest. And then he  
18 said that there were three people he needed to meet. The  
19 third person in the southwest, I did not know who that was  
02:53:11 20 at that time.

21 Q. If we can move forward to page 22.

22 What does he describe "As a solid team"?

23 A. He said the solid team consists of seven to 12 people,  
24 that in those seven to 12 people are within a 100 mile  
02:53:31 25 radius of each other.

1 Q. Okay. We can move forward, please.

2 There's a smiley face, it looks like, on the left side  
3 of the page.

4 Did you know what he was doing that for?

02:53:43 5 A. No.

6 Q. And -- but what does he continue to tell you then  
7 after that?

8 A. But he says, "But we are very weak. And even three  
9 out of zero is a whole ummah."

02:53:57 10 And I think what he meant by is that, you know, three  
11 is -- could be defined as a small team. And then ummah, of  
12 course, means the Islamic community. So in other words,  
13 like, you know, three compared to nothing, three is still  
14 like a mini community or a mini team.

02:54:23 15 Q. If we move forward to page 25, please.

16 Does he give you any indication of how big the team is  
17 here?

18 A. Yes. He says, "There are well over four of us on our  
19 team. We just need sabr and persistence." Sabr is the  
02:54:46 20 Arabic word for patience and, of course, he inserted a space  
21 in the spelling of sabr.

22 Q. What else does he tell you about where he might be  
23 located in this communication?

24 A. So later he says, "We will talk my brother. The east  
02:55:02 25 coast timing is late." So to me I understand that he was on

1 the east coast and the timing was late for him.

2 Q. And before you go any further, how do you spell sabr?

3 A. Sabr which means patience is spelled as S-A-B-R.

4 Q. Let's move forward to page 28, please.

02:55:20 5 There's a reference in the middle of the page to being  
6 in the deen for 20 years. What was that a reference to by  
7 you?

8 A. So this is a reference to the previous biographical  
9 data point that the user had given to me in an earlier  
02:55:42 10 conversation when he said that he had been a Muslim for  
11 about 20 years.

12 And so this is my way of kind of bringing up that bio  
13 point just to kind of reaffirm -- I mean, if he had not been  
14 a Muslim for 20 years, which kind of gave me an idea of his  
02:55:56 15 age range, when I brought this up, if I was wrong, then this  
16 was his opportunity to correct me on it.

17 But I didn't receive any kind of correction. So it  
18 was just another way to kind of affirm that, "Oh, all the  
19 bio data points were consistent," that I was still talking  
02:56:12 20 to the same person. The same person I talked to on March 24  
21 is the same person I was talking to at this time on April 8.

22 Q. And if we can move forward to page 29, please.

23 You ask a question at the bottom of the page of this  
24 speaker. What did you ask?

02:56:30 25 A. "Do you mind if I ask what manhaj you follow?"

1 Q. And can you spell that, please?

2 A. Manhaj, M-A-N-H-A-J. Manhaj literally means  
3 methodology. And so it's my way of asking what Islamic  
4 methodology does he subscribe to or does he follow.

02:56:52 5 And the word often in kind of, in some Islamic  
6 conversations, one of the various Islamic methodologies that  
7 someone could follow is the Salafi Manhaj.

8 Q. And can you spell that, please?

9 A. Salafi is S-A-L-A-F-I.

02:57:14 10 Q. And if we move to page 30, what was his answer?

11 A. And then he said, when I asked what methodology does  
12 he follow, he said the manhaj of the Prophet according to  
13 the understanding of the Salaf, of course.

14 Q. And what did that mean to you?

02:57:34 15 A. To paraphrase, methodology of the Prophet according to  
16 the understanding of the Salaf, of course, so the Salaf is  
17 the first three generations of Muslims in Islamic history.

18 And those current Muslims who follow the same  
19 methodology as this historical generation of the Salaf, the  
02:57:59 20 first three generations of Muslims, the way they practice  
21 Islam is known as the Salafi manhaj, so he clearly a firm to  
22 me that the manhaj, his understanding of Islam was  
23 consistent with the Salafi methodology.

24 Q. So would that be a very conservative version of Islam?

02:58:23 25 A. It's ultra conservative.

1 Q. Does that necessarily mean someone who follows that  
2 belief is involved in terrorism?

3 A. Absolutely not. And he kind of clarified a little bit  
4 more at the very bottom. He have says, "No, but math hab"  
02:58:40 5 just the Q and the symbol, which I understand this to be --  
6 he wasn't subscribing to any particular math hab.

7 THE COURT: A little slower, please.

8 THE WITNESS: So math hab, M-A-T-H, H-A-B, that  
9 is one of the four schools of Sunnah thought within Islam.  
02:58:59 10 And he was saying, "I'm not trying to categorize myself into  
11 one of the four traditional categories of Sunnah Islam."

12 And he's saying that perhaps he's saying that he's  
13 outside of that, but he just focused instead on the Koran  
14 and the Sunnah. And he spelled Sunnah, S-U-N-N-A-H. And  
02:59:21 15 this is the explanation that is entirely consistent with how  
16 a Salafi would describe themselves.

17 Q. We can move to page 31, please.

18 Is there another reference to being off the grid?

19 A. Yes. He says, "That's on the grid, my dear brother.  
02:59:40 20 We already off the grid."

21 So he's -- what I understood that he's saying that he  
22 had removed himself off the grid. That he was conducting  
23 himself in a way that it would be hard for anybody to follow  
24 him or track him.

02:59:53 25 Q. If we move forward to page 34, please.

1           There's a reference here to "Palace scholars." What  
2           does at that mean?

3           A.     So he says, "Palace scholars and fame seekers."

4           So ISIS has identified that some of the most problem  
03:00:17 5           management Islamic scholars are the enemies of Islam. So,  
6           for example, this is a very derogatory term, the term palace  
7           scholars to refer to the traditional scholars, kind of the  
8           leading mainstream scholars of nonviolent versions of Islam.

9           And ISIS greatly condemns them and also uses these  
03:00:39 10          same derogatory terms to refer to them.

11          So what I understood is that he was basically, you  
12          know, disgracing or certainly condemning a certain category  
13          of Islamic scholars and that type of narrative, that type of  
14          hate or condemnation is consistent with what ISIS promotes.

03:00:58 15          Q.     Is that consistent with what you've seen in other  
16          investigations?

17          A.     Absolutely.

18          Q.     You make a statement then after fame seekers, what did  
19          you say?

03:01:09 20          A.     I said, "I have skills, stuff similar in the manual,  
21          but a little different."

22          Q.     What manual were you referring to then?

23          A.     How to Survive in the West.

24          Q.     And what did you mean by that comment?

03:01:22 25          A.     I wanted to make myself appear attractive to him, but

1 I was still being a little evasive. So I said I have some  
2 skills that are relevant to the skills described in the  
3 manual. And I just said, "But a little different."

03:01:41 4 So I didn't really specify, but I wanted to convey to  
5 him that I could be of value described in the manual.

6 Q. If we move forward to page 36.

7 What was he concerned with on page 36?

8 A. So we were talking about downloading a manual. And he  
9 was telling me I have to be careful about the practice of  
03:02:02 10 downloading manual off the Internet because there can be  
11 metadata that's kind of hidden inside of those files that,  
12 for example, you know, a government agency could be used to  
13 try to track.

14 Q. And if we move forward to page 39.

03:02:21 15 A. And he was cautioning me about how I go about  
16 downloading it. I could tell that he was concerned for my  
17 security.

18 Q. In the middle of the page, what did he say to you?

19 A. He tells me I have to be careful and we have lots of  
03:02:36 20 work to do because "Can't have a green bird watching the  
21 construction project."

22 Sew what I understood that to mean is that there's a  
23 lot of work that needs to be done. And we can't have  
24 someone who is inside of a green bird watching the  
03:02:53 25 construction project, the way a person's soul ends up inside

1 of a green bird is by dying as a martyr. So in other words,  
2 we can't have dead guys that are watching the construction  
3 project from heaven.

4 He needs -- and I understood that he needed people  
03:03:09 5 that were alive to do the construction project.

6 Q. And just because we may see it later, at the very top,  
7 there's a symbol next to your first message. What did that  
8 symbol mean?

9 A. That's an error message. Sometimes Wickr was a little  
03:03:24 10 temperamental and so that was an indication that that  
11 message may not have been successfully transmitted to the  
12 other person.

13 Q. And then does that same message appear later down?

14 A. Yes, because I saw the error message, I decided to  
03:03:40 15 resend that line of text. And I successfully informed him  
16 that I went through a fast food place to get wifi, so that I  
17 could download the manual that we previously discussed.

18 Q. If we could move to page 40, please.

19 Actually just move to page 42.

03:04:02 20 What did he say about the manual?

21 A. So, you know, I told him that I downloaded it. We  
22 talked about if I had read it. And then he said he  
23 disagreed with a couple of the points if that manual. And  
24 that manual was not sufficient and needed some clarification  
03:04:17 25 and needed more explanation.



1 Q. If we can move to page 43, please.

2 What did he tell you in the bottom half of page 43?

3 A. So he laid out for me what he thought would be ideal  
4 for me, his personal goal for me, that I would live off of  
03:04:35 5 the grid. And he also highlighted that if I were to instead  
6 live in plain sight, that this could result in my cover  
7 being blown. This is a negative aspect of that.

8 So he then further advised that by saying, "Meaning  
9 everything about your movement is predictable. The pros  
03:04:56 10 that you will be able to exist in your normal routine, we  
11 suggest that you get trained."

12 So he was just talking about the pros and cons of  
13 living off the grid and the pros and cons of hiding in plain  
14 sight, just kind of going about your normal business.

03:05:10 15 Q. Was there anything important to you about the way he  
16 phrased that last sentence, "We suggest you get trained."

17 A. Well, presumably by saying "We," means there was more  
18 than just him. And any time someone says that you need to  
19 get trained, to me that implied that there was some process  
03:05:29 20 in mind with some objective, some goal in mind to be trained  
21 for.

22 Q. And if we can move to page 44. And then what did he  
23 advise you to do after that process?

24 A. So then after living off the grid, he said then move  
03:05:47 25 back into an overt living.

1 Q. If we move to page 45?

2 A. Which I understood that, you know, live off the grid,  
3 kind of shake off if anyone's watching you and then kind of  
4 reemerge to go live normally back in society. I should  
03:06:05 5 essentially be clean of any following.

6 Q. So at the top of page 45, he says that something is  
7 the answer.

8 What do you read that to be?

9 A. Okay. So I said, "Okay. I want to hear more about  
03:06:18 10 training."

11 And previous to this, we had also talked about  
12 scholars, the word that I used to talk about scholars was  
13 shu yookh, which is spelled S-H-U, Y-O-O-K-H. That's one  
14 way to spell it. That just means that's the plural for  
03:06:41 15 saying scholars or sheikh or religious scholars.

16 So we talked about that just in the previous slide.

17 And then his answer for when I brought up the topic of  
18 religious scholars was, here he wrote Al-Awlaki, which is  
19 the last name of the man Anwar Al-Awlaki.

03:07:02 20 Q. Can spell that for the court reporter?

21 A. So the name I just mentioned, Anwar Al-Awlaki, Anwar  
22 is spelled A-N-W-A-R is the first name. Last name  
23 Al-Awlaki, that's A-L, dash, A-W-L-A-K-I.

24 Q. So in your experience, in investigating these cases,  
03:07:23 25 is that a name you run into often?

1 A. Yes, frequently.

2 Q. What is the significance of Al-Awlaki?

3 A. So Anwar Al-Awlaki is an American Yemeni who was  
4 killed in Yemen while he was a member of al-Qaeda. He was a  
03:07:42 5 member of al-Qaeda in the Arabian peninsula. He was killed  
6 which a U.S. aerial drone strike, and he was committed to a  
7 variety of other convicted terrorists. He was commonly  
8 known as someone who provided religious justification and  
9 commented on how to conduct terrorist attacks.

03:08:00 10 He is, I think, you could safely say, is the single  
11 most influential jihadi ideologue, who's an English speaker  
12 in the world to date.

13 Q. Is that based on your experience in investigating  
14 these cases and what you've seen in these cases?

03:08:18 15 A. Yes. I think you could have any number of experts on  
16 counterterrorism to affirm that he is one of the most  
17 influential English speaking jihadi ideologues out there  
18 who's widely available on social media. His lectures are  
19 widely available.

03:08:37 20 Q. Moving forward, does he help confirm that that is who  
21 indeed he was talking about?

22 A. Yes, because then he said he was killed, which, you  
23 know, Anwar Al-Awlaki is famous for having been killed by a  
24 U.S. drone strike in Yemen.

03:08:52 25 Q. What's the next name that he provides, and could you

1 spell it, please, for the court reporter?

2 A. Yes, so obviously we talked about religious scholars.  
3 And then the second scholar he mentioned is named Ahmed Musa  
4 Jibril. And that is spelled A-H-M-E-D. The second word  
03:09:13 5 Musa, M-U-S-A, and then last name, Jibril, J-I-B-R-I-L.

6 And Ahmed Musa Jibril is an Islamic scholar located in  
7 Dearborn, Michigan, the Detroit area, and has been tied  
8 to -- this is all public information -- to many convicted  
9 terrorists and terrorists who have died carrying out  
03:09:41 10 terrorist acts.

11 I mean there's a high volume of open source  
12 information that will show that ISIS supporters have been  
13 greatly inspired by him and ISIS has officially sanctioned  
14 Ahmed Musa Jibril as an approved ideologue, as an approved  
03:10:03 15 scholar.

16 Q. If we could move forward to page 48, please.

17 There's a reference here to "The team got smaller,"  
18 that you make.

19 What were you referring to?

03:10:19 20 A. So I had been concurrently talking to my primary  
21 target, the other subject, and that individual told me that  
22 he had been arrested. And so when I received news of that,  
23 I went to the user hereafter to essentially report that,  
24 "Hey, we're down a man."

03:10:41 25 Q. And if we move forward then to page 49.

1           What is his sort of response to this?

2           A.     So he wanted to confirm that I was referring to our  
3           mutual friend.

4           And then he also said, "I told you about him," which  
03:11:02 5           is true, that the user of hereafter, and I had discussed our  
6           mutual friend, the original target.

7           Q.     And if we could move forward to page 49 -- I'm sorry,  
8           to page 50.

9           And then to -- page 51.

03:11:20 10          What is he concerned about on page 51?

11          A.     He says, "Can they connect you?"

12          And what I understand was that he was concerned that I  
13          can be connected to the original target who was arrested.  
14          In other words, I could be a liability because, you know,  
03:11:36 15          the government may be coming after my persona next.

16          Q.     What else does he ask about?

17          A.     He wanted to know if our work was related. And I  
18          understood that when he asked, "Is our work related?" He  
19          was wondering if the original target was arrested, and the  
03:11:56 20          reason for his arrest was somehow tied to what hereafter and  
21          I had been talking about.

22          Q.     If we move forward to page 52, please.

23          Actually then to page 53.

24          And so page 54.

03:12:21 25          At the bottom of page 54, you make -- if we can blow

1 this up because it's hard to read, the next to the last  
2 comment that's made here.

3 There's a comment from you, "Possible gha nima from  
4 the move south to."

03:12:41 5 First, can you spell gha nima, and then define what  
6 that means?

7 A. Gha nima is spelled G-H-A, N-I-M-A.

8 Q. And what does that mean?

9 A. It's a word used to describe war booty. So from the  
03:12:59 10 earliest Islamic industry and those battles, the warring  
11 raids would, after they would overcome their enemy, would  
12 take war booty from the battlefield. And that's the word  
13 that describes that.

14 And it's also a term that's still used by ISIS and  
03:13:18 15 jihadis today to talk about basically when they steal from  
16 their enemy or they conquer their enemies and take their  
17 weapons.

18 Q. What was your meaning in making this reference?

19 A. So I was -- I mentioned my possibility that I could  
03:13:34 20 have access to gha nima, that I would have access to some  
21 kind of war booty.

22 And I threw it out there to see if he would take an  
23 interest in that or not.

24 Q. If we could please move forward to page 55?

03:13:53 25 If we can blow up so we can read it better, the bottom

1 half of the page.

2 What does he tell you in the bottom half of this page?

3 A. Yes, "Long-term, this is what has been advised."

4 Q. And also what did he tell you right before that?

03:14:10 5 A. Yeah, "So there's a few other brothers that I want to  
6 bring to your attention."

7 So it tells me he's in contact with multiple people,  
8 what I understood to be like-minded brothers. And he wants  
9 to bring them to my attention.

03:14:21 10 And when he said that this has been advised, I  
11 understood that he was taking advice, or taking direction  
12 from others, from the other brothers, and that he also had  
13 something long-term in mind.

14 Q. If we can move forward to the next page, please.

03:14:35 15 So in the middle of this page, he starts to give you  
16 an analogy. That is the analogy that he gives you?

17 A. So he gave an analogy of a brain. And then a brain  
18 like a headquarters is attached to limbs. So there's some  
19 kind of central organization. And then it has extensions

03:14:58 20 elsewhere that are the limbs that do the work of what the  
21 brain says.

22 Q. So what does he specifically tell you at the bottom of  
23 this page?

24 A. Each body has a brain in order to operate the limbs.

03:15:09 25 Q. And if we can move on to page 57.

1 And what else does he tell you?

2 A. "In order for the body to be functional, we need a  
3 strong brain." And then he said, "We are constructing the  
4 brain."

03:15:25 5 Q. And if we can move forward to page 58, please.

6 And what does he say, "Eye to eye." What does that  
7 mean?

8 A. Okay. So I think when he said that he wanted to see  
9 if I understood kind of the wink wink talk that he was  
03:15:40 10 using. He was obviously talking in an analogy to talk  
11 around about -- around something without explicitly defining  
12 it.

13 Q. So what's your response?

14 A. So I wanted to see if I understood him correctly, and  
03:15:52 15 I just wanted to ask, "So are we the limbs?"

16 And then I asked, I wanted to define, "What are the  
17 limbs or who are the limbs that is going to carry out the  
18 work of the brain and then what is the brain?"

19 And so I asked him, "Is the brain the Khilafa" and I  
03:16:10 20 spelled out Khilafa as K-H-I-L-A-F-A. And I broke up the  
21 use of the letters because I knew that he wanted -- when I  
22 talked about sensitive terms, that he would want me to spell  
23 them like this, when I still --

24 Q. What does the -- I'm sorry. Go ahead.

03:16:29 25 A. Khilafa means the caliphate.



1 Q. So what would that be a reference to?

2 A. So the caliphate, there's only one self-proclaimed  
3 caliphate in the world, and that's the ISIS caliphate. It's  
4 the ISIS authority. It's -- and then I asked him, "Is the  
03:16:46 5 caliphate, is that our brain?"

6 In other words, when the brain makes a decision to  
7 fell the limbs to do something, is the brain ISIS? Is ISIS  
8 telling us what to do? Are we the limbs carrying out the  
9 orders of ISIS?

03:17:03 10 Q. And if we move to page 59, please.

11 If we can -- maybe enlarge first the top part.

12 And so what was the first part of his response?

13 A. So when I was trying to get clarification, "Are we the  
14 limbs and ISIS is the brain?"

03:17:27 15 He said, "In this land, my dear brother, a brain is  
16 needed. Then the limbs will grow."

17 So what I understood when he said, "In this land, he  
18 meant inside the U.S., we need to have a brain. Once we  
19 establish the brain in the U.S., then the limbs will grow  
03:17:43 20 after that."

21 Q. If we could move to the next bottom half of the page.  
22 What else did he explain to you?

23 A. So he started talking about this analogy, however,  
24 like every analogy, it doesn't perfectly capture everything.

03:17:58 25 And so I think he realized, okay, you know, the

1 original analogy didn't fully capture what he was trying to  
2 describe. And so he clarified that.

3 He said, "But all of the ummah, all the Islamic world  
4 is one body. So in a way it doesn't fit because ultimately  
03:18:14 5 the brain is the khilafa. Khilafa means caliphate."

6 And then he spelled khilafa correctly, but he omitted  
7 the letter "I" in it. I think he probably did that by  
8 design.

9 But he just said that, "Hey, I started with this  
03:18:32 10 analogy of the ISIS brain being overseas. And then the  
11 limbs will carry out the works of ISIS." But in this case,  
12 he said, "That doesn't fully capture exactly what I'm trying  
13 to say."

14 THE COURT: All right. Counsel, I think we're  
03:18:46 15 going to take a break. It's now 12:10.

16 I'm sure the court reporters need a break and everyone  
17 else as well. So we're going to take about an hour, hour  
18 and five minutes, try to reconvene about 1:15, if you would,  
19 in the jury room, ladies and gentlemen.

03:19:01 20 Leave your notepads on your chairs. Please remember  
21 all the admonitions I've given you. They all apply. It's  
22 very important you continue to follow them.

23 Thank you very much. Enjoy your lunch, ladies and  
24 gentlemen.

03:19:16 25 (Jury out, 12:10 p.m.)

1 THE COURT: All right, ladies and gentlemen. I  
2 have another proceeding at lunch, but it won't take very  
3 long, I hope. We'll see you at 1:15.

4 MS. MAGNONE: Your Honor, can I just make a  
5 comment? I noticed three of jurors brought in coats or  
6 sweaters. If we can ask them if they're comfortable with  
7 the temperature. They look cold.

8 THE COURT: We'll ask.

9 (Lunch recess taken, 12:10.)

03:19:54

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1 (Afternoon session, March 9, 2018.)

2 (Outside the presence of the jury:)

3 THE COURT: Counsel, are you ready to proceed?

4 MR. SHEPHERD: Yes, Your Honor.

04:30:04 5 MR. DOUGHTEN: Yes, Your Honor.

6 THE COURT: Counsel, pause after questioning.

7 The court reporters are struggling. And I'm sure if they're  
8 struggling, the jury is struggling to keep up and not follow  
9 the testimony.

04:30:15 10 Jurors, please.

11 (Jury in, 1:25 p.m.)

12 THE COURT: Please be seated, ladies and  
13 gentlemen.

14 Counsel, you may proceed.

04:32:03 15 MR. SHEPHERD: Thank you, Your Honor.

16 BY MR. SHEPHERD:

17 Q. I believe when we left off, Agent Jane, we had just  
18 heard about the response at the bottom of page 59 of Exhibit  
19 5.

04:32:13 20 Do you see that?

21 A. Yes, I do.

22 Q. If we could move to page 60, please.

23 What was your response to the answer given by the  
24 other individual about the khilafa being the ultimate brain?

04:32:30 25 A. Could we briefly go back to the previous page just so

1 I can read his comment?

2 Okay. So he said, "But all the ummah," meaning all of  
3 the Islamic community or Islamic world, is one body, so in a  
4 way it doesn't fit because ultimately the brain is the  
04:32:52 5 khilafa.

6 So he said that the brain, ultimately the brain is the  
7 khilafa, which I understood that to mean that the Islamic  
8 State government, the government of the ISIS, the khilafa,  
9 is the ultimate brain.

04:33:09 10 So then in my response to that, on the next page, was  
11 "Allahu akbar," which was broken up to into two  
12 translations, I believe.

13 THE COURT: Do you want to spell that, please?

14 THE WITNESS: Allahu, A-L-L-A-H-U. And the  
04:33:34 15 second word is akbar, spelled A-K-B-A-R.

16 Allahu akbar means Allah is great, or the greatest.

17 BY MR. SHEPHERD:

18 Q. What else did you ask?

19 A. And then I asked, I kind of expressed my excitement  
04:33:54 20 that I believe that he was referring to ISIS. But to  
21 confirm, I asked, "Are we part of the bigger team or  
22 starting a new team?" This is an issue of fiqh, which I  
23 spelled as F-I-Q-H.

24 Q. What does fiqh mean?

04:34:15 25 A. Fiqh means Islamic jurisprudence is kind of the

1 science within Islam of coming to decisions or  
2 determinations or rulings.

3 And so basically I was asking, "Are we part of the  
4 bigger team? Or are we starting a team?"

04:34:35 5 And I was asking this in the context of religious  
6 doctrine. Is this acceptable or consistent with the Islamic  
7 doctrine.

8 Q. What was the response?

9 A. And he said, "Every business needs a headquarters and  
04:34:51 10 outposts. So obviously speaking in an analogy here. And he  
11 said "Every business needs a headquarters, like a brain, but  
12 it also needs outposts."

13 Q. What did you ask in response to that?

14 A. When he said outposts, I wondered if what we are  
04:35:13 15 trying to build was an outpost. So I asked, "Are we making  
16 our own brain, or are we connected to the ultimate brain,"  
17 meaning if we're going to have like a regional outpost, with  
18 our own regional limbs, is there a regional brain that is  
19 connected to the ultimate headquarters brain.

04:35:31 20 Q. And if we could move to page 61, please.

21 Eventually what was his response to that question?

22 A. His response was, "Ultimate brain brother, LOL," which  
23 I understood to mean that he was saying, you know, the  
24 ultimate brain is what our group, our local brain, is  
04:35:53 25 connected to. And I also understood that, consistent with

1 the analogy, the ultimate brain is alkhilafa, spelled  
2 A-L-K-H-I-L-A-F A.

3 Q. And if we could move to page 62, please?

4 A. If I could just note that ISIS calls itself the  
04:36:19 5 khilafa as well.

6 Q. In the center -- well, upper third of page 62, there's  
7 a comment from hereafter about "Study the fiqh of wilayah,"  
8 so can you explain that and also spell the last word for us?

9 A. Sure, so I read it as "Study the fiqh of wilayah." So  
04:36:40 10 fiqh, as we established, is Islamic jurisprudence, the  
11 process for understanding what is Islamic.

12 And he told me I need to study the ruins, the  
13 jurisprudence of wilayah. Wilayah is one word spelled  
14 W-I-L-A-Y-A-H. Wiilayah literally in Arabic means like  
04:37:08 15 state or province. So it was like statehood. So I  
16 understood that he was telling me I need to study kind of  
17 the doctrinal underpinnings of statehood, of creating a  
18 state.

19 What is it to be a legitimate state? How do you form  
04:37:26 20 a legitimate state? What Islamic requirements have to be  
21 met in order to establish an Islamic territory?

22 Q. And in this context, what did you understand that  
23 state would be associated with?

24 A. ISIS. ISIS has what they claim to be ISIS territory.  
04:37:43 25 And they take the map of ISIS territory, and they break it

1 up by states, by provinces and they call them wilayahs, so  
2 every piece of geographic terrain that ISIS claims to be its  
3 own, they call it wilayah and they give that wilayah a name.

4 So when he said study statehood, I inferred that he  
04:38:06 5 was referring to the same practice that ISIS has been using  
6 very openly of the requirements to create an Islamic State.

7 Q. And if we can move forward to page 75, please.

8 So skipping ahead, Agent Jane, were you asked to  
9 provide comments about other people on Twitter or online on  
04:38:30 10 behalf of the hereafter?

11 A. Yes. So we talked about other brothers, that he also  
12 found online that he either put me in contact to talk to or  
13 we would discuss them between ourselves. And we're doing it  
14 in this case.

04:38:44 15 Q. So in this case, there's a reference to a brother  
16 being in Minnesota. Do you see that?

17 A. Yes.

18 Q. And what is hereafter's opinion of that brother?

19 A. So he said, "Yeah, but his aqeedah is not in line."

04:38:56 20 Q. And what is that word, aqeedah?

21 A. So aqeedah spelled A-Q-E-E-D-A-H, literally means  
22 doctrine or creed. And so he's basically saying his  
23 doctrine or his understanding of Islam is not in line. And  
24 it's not in line because he says in the next sentence, he is  
04:39:18 25 still debating the validity of the khilafa.



1           You can see the spelling that he used, but I  
2 understand that he was trying to spell the word khilafa, or  
3 khilafa, etcetera.

4           So he was saying that this brother in Minnesota, his  
04:39:38 5 doctrinal understanding of Islam is not in line, is not  
6 correct, because he is debating the validity of the Islamic  
7 State government. So to disagree with the legitimacy of  
8 ISIS is to have an incorrect understanding of Islam,  
9 according to the person I was talking to.

04:39:58 10 Q.     So I want to move forward to page 81 of Exhibit 5.

11           What did you inquire of in this communication?

12 A.     So I asked him the question, "Do you work. How do you  
13 have the time to chat for hours during the day?"

14 Q.     Why did you ask that question?

04:40:17 15 A.     Because I could tell he was expending a lot of time an  
16 effort into this purpose. And it must be something  
17 important to him. And I was wondering how is it possible  
18 that he does this and where is he going with this.

19 Q.     And what was his response?

04:40:33 20 A.     He said, "My work is for Allah. It is my full-time  
21 job."

22 Q.     Okay. If we could move forward to page 84, please.

23           What did hereafter say about how methods of gaining  
24 money?

04:40:52 25 A.     So I'll read his response or how I understood it. And

1 that is, "The manual reveals how we are to gain money,  
2 brother. Not rich, not even close. A team pulls together  
3 for a greater good."

4 So this, in the manual it explains that stealing from  
04:41:08 5 nonMuslims is permissible in a sanctioned way to gain money.

6 Q. And --

7 A. And I understood his next sentence was not like to get  
8 rich. I think he was talking about his own financial  
9 status. The purpose is not to get rich. It's to fund the  
04:41:27 10 organizations' functions.

11 Q. And if we could move forward to page 93, please.

12 Now, were there ever times during your communications  
13 with this person that they made statements sort of contrary  
14 to the view that he was planning anything violent?

04:41:50 15 A. Yes. There were occasionally the person I was talking  
16 to would make some odd statements that were not consistent  
17 with the tone and flow of our normal conversations.

18 And then he would follow them up with a little smiley  
19 face as well.

04:42:08 20 So, of course, in law enforcement we call this  
21 exculpatory material, if the person is saying something that  
22 would indicate that they are innocent.

23 And these types of statements were laced into our  
24 conversation at what seemed to be awkward moments.

04:42:27 25 And also I insinuated or I inferred that the person

1 may be familiar with this legal concept of saying things  
2 that would make you appear to be innocent, almost like  
3 there's an internal alarm clock where occasionally he would  
4 say it's time for me to say something that would make it  
04:42:46 5 sound like I'm not doing anything wrong.

6 And this is a good example of when these types of  
7 statements were made.

8 It was almost as if I thought that the person that I  
9 was talking with thought that if their communications were  
04:43:03 10 ever discovered, if they were to plant these types of  
11 statements that says, "I'm not doing anything wrong," then  
12 that would, you know, that would show that they were not  
13 doing anything wrong.

14 Q. Did you have any further discussion with this person  
04:43:18 15 about this concept of the -- about this concept of the brain  
16 analogy and hijrah which was H-I-J-R-A-H?

17 A. Can you repeat the beginning of the question.

18 Q. I'm sorry. I'll rephrase.

19 Taking a look at page 93, there's a part of a long  
04:43:47 20 entry by you that starts number 2. Do you see that?

21 A. Yes.

22 Q. Did you ask questions of hereafter about the things he  
23 had been telling you?

24 A. Yes.

04:43:55 25 Q. And did he provide responses to your questions?

1 A. Yes.

2 Q. I would like to move forward to page 95.

3 And was one of the questions you asked related to the  
4 analogy of the brain and the limbs that we just talked about  
04:44:14 5 a little while ago?

6 A. Yes.

7 Q. And what did you ask?

8 A. So if I can read that paragraph at number 3, I said,  
9 "I like your analogy of the brain and the limbs. I want to  
04:44:27 10 do something for the brain. Hijrah is not off the table for  
11 me because I want to make sure that all of this is for the  
12 brain. And we have the blessing of the brain. I have some  
13 ilm," I-L-M, "of the fqh of this matter and I understand  
14 that the brain's blessing is required."

04:44:48 15 Q. And was fiqh spelled F-Q-H in this entry?

16 A. It was. The proper spelling is F-I-Q-H, but I did a  
17 minor abbreviation where I think the word was still  
18 conveyed, the meaning conveyed.

19 Q. And then moving forward to page 99, did hereafter give  
04:45:11 20 you an answer to your questions?

21 A. Yes. And so the question I posed is I wanted to  
22 demonstrate that I was very concerned that our activities,  
23 whether or not they were connected to the ultimate brain and  
24 whether they would be approved by the ultimate brain.

04:45:29 25 Q. So what did he tell you starting at the bottom of page

1 99?

2 A. At the bottom he says, "So hijrah is great." Hijrah,  
3 spelled H-I-J-R-A-H. Hijrah is to migrate to an Islamic  
4 land in the context ISIS calls for Muslims to travel to  
04:45:48 5 Syria and Iraq. And this call to join ISIS in Syria and  
6 Iraq is call hijrah.

7 He said at that "Hijrah is great, is a great deed. If  
8 that's what your heart desires, then I ask Allah to make all  
9 of your intentions noble. I've spoken to senior brothers  
04:46:08 10 and the naseehah is to remain here.

11 He used used the word naseehah, which is spelled  
12 N-A-S-E-E-H-A-H.

13 That word means advice. And he said, "I've spoken to  
14 senior brothers, and their advice is to remain here."

04:46:26 15 Q. If we could move to page 100, please?

16 A. And I inferred that "reference to the naseehah of  
17 brothers was the brain," which I think at this point we well  
18 established that the brain was al-Khalifa.

19 Q. If we could go to page 1001. This is a reference to  
04:46:49 20 the "battle of trench." What's the a reference to?

21 A. That was one of the historical battles in early  
22 Islamic history with the Prophet Muhammad present, and it  
23 was one of the terms that is known by as the battle of the  
24 trench.

04:47:04 25 And he told -- well, he said, "Study the battle of the

1 trench. When the man came to the Prophet and became Muslim,  
2 he said with us you are one man, but go and shake from  
3 within."

4 Q. What did you believe that meant?

04:47:20 5 A. So without getting into the whole historical narrative  
6 of the battle of the trench, here I believe that he was  
7 citing a historical example where the Prophet Muhammad talk  
8 to a Muslim and he told him that you are just one man and to  
9 go shake them from within.

04:47:39 10 So by citing this historical example of someone  
11 infiltrating the enemy from within, I inferred that he was  
12 talking about someone in the U.S. infiltrating the U.S. to  
13 shake them from within.

14 And given that he was talking about a violent battle,  
04:47:55 15 I presume that this one man, to shake them from within  
16 involved a violent action?

17 Q. If we can move forward to page 105 please.

18 Did he ever refer you to any specific lectures of  
19 anybody?

04:48:11 20 A. Yes. So you can see here he referred me to a website.  
21 The name of the website is kalamullah.com and it's spelled  
22 K-A-L-A-M-U-L-L-A-H.com.

23 He said, "Go to kalamullah.com. Go to lectures. Go  
24 to Anwar Al-Awlaki lectures." Anwar is spelled A-N-W-A-R,  
04:48:40 25 Al-Awlaki, spelled A-W-L-A-K I, Anwar Awlaki lectures,

1 scroll down to where I find the series with a crossbow on  
2 it. It has 12 lectures in the series. In it you will find  
3 the answer.

4 Q. Were you familiar with this website?

04:48:59 5 A. Yes, this website is stocked full with quintessential  
6 salafi jihadi material propaganda and a lot of literature on  
7 the doctrine of violent jihad published and written by some  
8 of the most notorious jihadi, violent jihad ideologists  
9 including al-Qaeda to present day.

04:49:23 10 Q. If we could move forward to present day, page 106?

11 A. If I could just mention and Anwar Al-Awlaki is in my  
12 opinion one of the most influential English speaking jihadi  
13 ideologists to date, and he wanted me to list to his  
14 lectures, 12 lectures, which is somewhere between 12 and 20  
04:49:47 15 hours of lectures on violent jihad.

16 Q. And can we move forward actually to page 110.

17 So were you ever having any issues on Wickr?

18 A. Yes. At times, Wickr was a little temperamental with  
19 the sending of messages. Sometimes there seemed to be a  
04:50:06 20 minor backlog. It wasn't often. But occasionally.

21 Q. And then if we move to page 111.

22 Was there a reference to getting a new account set up?

23 A. Yes. There was -- at one of point where we just hit a  
24 little bit of a quirk with the function of Wickr, we  
04:50:30 25 mentioned, you know, creating a new account.

1 Q. And can we move forward to the next page, please.

2 And to the next page.

3 And can we move forward to one additional page.

4 Is this an exact of some of those error messages you  
04:50:54 5 were receiving at the -- at the bottom of the page here?

6 A. Yes. The symbol that has an exclamation mark, that  
7 was like an arrow message saying that my message was not  
8 successfully delivered.

9 Q. So ultimately was a new account set up on Wickr  
04:51:12 10 because of these problems?

11 A. Yes. But that was also consistent of the pattern of  
12 just creating new accounts on a routine basis anyways. So  
13 this was kind of a good reason or opportunity to create a  
14 new account.

04:51:24 15 Q. And if we can go forward an additional page.  
16 So if we could pull up Government's Exhibit 6, please.  
17 What is Government's Exhibit 6?

18 A. So this is the same user after having created a new  
19 account. And you can see that he named this one  
04:51:50 20 lovethetbird.

21 And so he sent me an invitation -- so I was using the  
22 same account. He created a new one. Recontacted me, you  
23 know, within minutes later.

24 So I knew it had to be the same user.

04:52:07 25 At this point -- actually the entire -- well, at this



1 point the only -- well, very few people had my account  
2 information at any given time I could tell you who would  
3 have my account. But there were times when the only person  
4 who knew what my account was, was the person using  
04:52:29 5 lovethebird.

6 Q. Was there also a point in which you discussed new  
7 account names through messages on Twitter?

8 A. Yes. So concurrently, whenever we were talking on  
9 Wickr or Surespot, we always had our Twitter accounts to  
04:52:43 10 fall back on, kind of like a backup means of communication.  
11 So if more whatever reason we lost each other, we could  
12 always go back to Twitter and say, "Hey, here is my new  
13 account. Find me at this new address."

14 Q. And if we could pull up Government's Exhibit 7.

04:53:02 15 A. And I did this because, one, it was consistent with  
16 what the subject was doing, but also, you know, the FBI has  
17 the ability to more easily track activity on something like  
18 Twitter. And so it's always good to have that Twitter  
19 connection throughout the duration of the communication and  
04:53:20 20 relationship because we are more -- I knew investigatively  
21 we can easily point to our find who the user is by looking  
22 deeper into Twitter activity.

23 Q. And taking a look at page 7, is that Twitter  
24 communications between you and that same user?

04:53:36 25 A. Yes. This is private direct messaging between me and

1 the user.

2 Q. There's a reference to "I burned it. I sent you from  
3 another account"?

4 A. Yeah, you can see we started with the user he was  
04:53:50 5 using was lovethahaqq. At a later time he tells me that he  
6 burned it which I understood to be the previous Wickr  
7 account.

8 And then he informed me that he would send me a  
9 message from another account, and that I should accept it.

04:54:05 10 Q. If we can move forward to page 3?

11 A. So I was in anticipation of new contact from a new  
12 account.

13 Q. Now, there's a reference -- there's a question asked  
14 at the top, "Was that verse and chapter Alfurqaan,  
04:54:21 15 A-L-F-U-R-Q-A-A-N.

16 What's the meaning of this exchange?

17 A. So it may look like an innocuous question, but there's  
18 a key word in this question and the key word is Alfurqaan,  
19 A-L-F-U-Q-A-A-N.

04:54:39 20 Now, Alfuraan was a previous account that I used, a  
21 previous account name that I conveyed to the user previously  
22 only on Surespot.

23 So for him to know to use this key word, Alfuraan,  
24 means this was the same user here, was the same user on  
04:54:56 25 Surespot, the same user on Surespot talked to me on Wickr,

1 so he kind of brought it full circle. We started with  
2 Twitter, Surespot, Wickr, back to Twitter and he asked  
3 me -- and this was a random question. There's no other  
4 explainable way why this person would ask me about a random  
04:55:13 5 chapter, the chapter Alfuqaan.

6 Q. What was the meaning of your response?

7 A. I said yes, because I was saying, "Yes, I recognize  
8 that you integrated a key word in your question."

9 Q. And then what do you tell him that you will do  
04:55:29 10 tomorrow?

11 A. I said nothing -- I said nothing. "How about I start  
12 reading a new surah and I'll send the chapter tomorrow."  
13 Surah means a chapter in the Koran. Spelled S-U-R-A-H.

14 "I got nothing. I'll tell you the name of the surah  
04:55:48 15 tomorrow, inshallah to Allah."

16 Q. Can you slow down and -- for that part, please and  
17 spell out the last part?

18 A. Yes. So I said, "I'll tell you the name of the  
19 surah," S-U-R-A-H, "I'll tell you the name of the chapter in  
04:56:02 20 the Koran tomorrow, inshallah to Allah."

21 That -- I'll spell it. But it means by the will of  
22 God, the most exalted. And that is spelled, the first word  
23 is spelled I-N-S-H-A, A-L-L-A-H, T-A, apostrophe, A-L-A.

24 Q. Did you really mean that you were going to send him  
04:56:36 25 a -- that you were actually going to read a new surah?

1 A. No.

2 Q. What did you mean?

3 A. Well, I noticed that he has established this technique  
4 of using an innocuous question, laying in a key buzz word,  
04:56:51 5 and so I told him what I intended to do was tell him I will  
6 tell you what my new account name will be tomorrow.

7 And I referred to my new account name as the surah  
8 that I will read tomorrow.

9 Q. If we can move to page 4, please.

04:57:09 10 So what does he tell you on page 4?

11 A. So he said, "What kind of name is" -- then the dashes  
12 or the arrow -- Nowhaq?" N-O-W-H-A-Q. "LOL. What names  
13 their baby that, Nowhaq.

14 So I think now he is talking about baby names but  
04:57:38 15 using this very odd term or name called Nowhaq, which I  
16 recognize to actually mean an account name.

17 Says, "Who would try that, Nowhaq," the third time he  
18 repeats the key word. "I couldn't send my baby to school  
19 with that, with that name," I think he says next.

04:57:54 20 So I was able to read between the lines and see that  
21 he is trying to send me, you know, he's trying to bury in  
22 the conversation his new account name.

23 Q. If we move forward to page 9, please.

24 Now, is this the following day?

04:58:13 25 A. Yes, this is April 13.

1 Q. And what did you tell him the following day?

2 A. Well, earlier I told him I would send him my -- I  
3 conveyed I would send my new account name. And on April 13,  
4 I said, "I started to teach the little squirt to recite the  
04:58:29 5 surah," S-U-R-A-H, and the next line is one word, Attawbah,  
6 that is spelled A-T-T-A-W-B-A-H. That is indeed the name of  
7 a Surah, a chapter in the Koran. But also that's the name  
8 of my next account that I was going to use.

9 And incidentally -- yeah, that's what I was trying to  
04:58:56 10 do.

11 Q. Did you ultimately receive a message from Nowhaq to  
12 Attawbah?

13 A. Yeah. So the new account I created with the name  
14 Attawbah, the only person who knew of the existence of that  
04:59:12 15 account was the person using this Twitter account.

16 The person using this Twitter account created a Wickr  
17 account called Nowhaq, and from Nowhaq account contacted my  
18 new account.

19 Q. And if we could pull up Government's Exhibit 8,  
04:59:29 20 please.

21 Do you recognize what Government's Exhibit 8 is?

22 A. Yes. So shortly thereafter, at my newly created Wickr  
23 account, whom no one else knew about except for the previous  
24 Twitter user, I received a message from Nowhaq including the  
04:59:50 25 standard Islamic greetings.

1 Q. Did you proceed to communicate with Nowhaq over the  
2 neck several days?

3 A. Yes, you can see at the beginning there he told me "To  
4 burn my account and to make another one."

05:00:01 5 But, yes, in the tone of the conversation, the topic  
6 of the conversation, the spelling type, the vernacular used  
7 was completely consistent with all the previous  
8 conversations had.

9 Q. I would like to move forward to page 32 of Exhibit 8.  
05:00:20 10 What did Nowhaq ask for in this communication?

11 A. He said, "We have plenty of defense items. Always  
12 need donations."

13 Q. What did you believe he was asking for?

14 A. Well, you could see for the word "donations," he  
05:00:42 15 started with in quotations, and to be honest, I wasn't sure  
16 if he meant by financial donations or other defense items,  
17 like weapons.

18 Q. Did you clarify that with him?

19 A. So I said, "Okay. Like straight \$, straight money?"  
05:01:03 20 I thought that the head has a ton of money.

21 At that time, ISIS had millions of dollars, probably  
22 had large quantities of money, of cash stolen at their  
23 disposal. So that's what I meant when I said, "I thought  
24 that the brain, or the head, has a ton of money."

05:01:23 25 Q. Move to page 33, please.

1 And did he clarify that it was indeed money?

2 A. Yes, with the dollar sign response.

3 Q. And if we could move forward to page 34.

4 What did you ask him at the top of 34?

05:01:40 5 A. I, again, asked, "Are the limbs connected to the head  
6 question?"

7 Q. What was the response?

8 A. "Yes," or he said, "Yeah." But he also said, "That  
9 cannot be safely channelled." So what I understood him  
05:01:57 10 saying is that, "You know, the money from the head cannot  
11 safely be channelled to the U.S., meaning ISIS can't send  
12 money from Syria safely into the U.S."

13 Q. And can we move forward to page 41, please.

14 First I want to start, there's a comment you make at  
05:02:19 15 the very bottom of the screen on Exhibit 41 in reference to  
16 "Entrapment monkeys." What is that a reference to?

17 A. So I said, "I saw your updated list of entrapment  
18 monkeys." So we would discuss spies on the Internet. And  
19 this consistent user would talk about those that he  
05:02:45 20 suspected being spies and those that were online trying to  
21 entrap people, to catch them.

22 And so he had what I understood to be a running list  
23 of suspects, suspected spies. And we would warn each other  
24 of those.

05:03:01 25 Q. Okay. Then the entry right above that, what was the

1 speaker referring to?

2 A. So he said, "Look at what has been floating around  
3 Twitter. Go to a brother's page called Abu Samir  
4 Al-Maghribi.

05:03:17 5 Q. And can you slow down and spell that, please?

6 A. Yes. So he wanted me to go to the Twitter page of the  
7 brother whose name is Abu, spelled A-B-U, Samir, spelled  
8 S-A-M-I-R, Al-Maghribi A-L, M-A-G-H-R-I-B-I.

9 Q. What was he referring to?

05:03:41 10 A. There's a Twitter page. It was a very popular Twitter  
11 page in this online circle. And he wanted me to go to that  
12 page to go find a document that was written by an American  
13 brother.

14 Q. And if we could move to page 42, please.

05:03:58 15 And actually, if we could move forward to page 44.

16 And page 44 of Exhibit 8, what was he referring to?

17 A. So on the previous slide and on this one, he includes  
18 a Twitter handle, and he spells it out for me. You can see  
19 the Twitter handle is payjizyaordie6. I'll spell that.

05:04:25 20 P-A-Y-J-I-Z-Y-A-O-R-D-I-E, 6.

21 Payjizya is a very frequently used phrase used by  
22 jihadis and ISIS, which means basically you have to pay the  
23 Islamic tax or we will kill you.

24 Q. He also references the title of a document?

05:04:53 25 A. Yeah, so I went to this -- I went to this Twitter



1 handle, the exact one that he directed me to.

2 When I got to that Twitter handle, it had the screen  
3 name which was Abu Samir Al-Maghribi and he told me where on  
4 that Twitter feed to go to locate the document written by an  
05:05:12 5 American brother.

6 And then he told me that the title of this document  
7 that I was to find buried on this Twitter page, or  
8 this -- yeah, this Twitter feed, and the title of it is  
9 something like GPS Ghuraba.

05:05:29 10 GPS and then Ghuraba is spelled G-H-U-R-A-B-A. or GPS  
11 Ghuraba.

12 And I did find that document exactly where he told me  
13 to find it.

14 Q. And did you take a screen shot of that Twitter page?

05:05:46 15 A. Yes, I did. He said it looks like --

16 Q. Excuse me. Hang on a minute.

17 If we could please pull up exhibit 50, please.

18 Do you recognize exhibit 50?

19 A. Yes, I do because he told me that the particular tweet  
05:06:03 20 was tweeted six hours ago. And so I went to the Twitter  
21 feed and I went to six hours prior and you can see in the  
22 right side it says "six H" meaning it was tweeted six hours  
23 ago at the time I took this picture. And there it is, the  
24 title that he told me, the screen name that he told me, and  
05:06:25 25 what the link to download it.

1 Q. So do you recognize this as the screen shot of the  
2 Twitter page you went to?

3 A. Yes, and I downloaded this document.

4 Q. And if we could please pull up Exhibit 51.

05:06:38 5 What is Exhibit 51?

6 A. So this is a 19 page manual written to jihadis or  
7 mujahideens that are located into the U.S. and basically  
8 it's a manual and advice on how to counter FBI and law  
9 enforcement counterterrorism techniques and strategies.

05:07:03 10 It's a pretty comprehensive manual on how jihadis can avoid  
11 detention by law enforcement.

12 Q. And did you indeed download this document?

13 A. Yes, I did, 19 pages, the very organized, very  
14 thorough.

05:07:22 15 Q. I'm going to ask you a few questions about some of  
16 them.

17 If we could move to page 2, please.

18 And if we could highlight or I'm sorry, enlarge the  
19 third paragraph down.

05:07:38 20 What was being called for in this paragraph?

21 A. To measure and define the depth of your cell, one of  
22 the many questions is the depth of your cell. This is this  
23 is why currently we suggest all brothers keep groups of 7 to  
24 12 with one Amir, Amir means commander, spelled A-M-I-R.

05:08:06 25 7 to 12 with one commander. This is protection to

1 keep the cover of other groups from being blown which we  
2 will discuss further inshallah. Inshallah meaning God  
3 willing, spelled I-N, S-H-A-L-L-A-H.

05:08:25 4 Q. Was this kind of statement consistent with the  
5 communications you had been having with this person on  
6 social media?

7 A. Yes.

8 Q. And if we could move forward to page 5, please.  
9 And at the very bottom of page 5, what is the advice  
05:08:46 10 that's given at the bottom of page 5?

11 A. "Always be armed during sensitive meetings. If you  
12 are caught or apprehended, it is better to die shaheed than  
13 to heal the hearts of the Kuffar.

14 It is better to die shaheed. Shaheed means to die a  
05:09:04 15 martyr. Shaheed is spelled S-H-A-H-E-E-D. And it's better  
16 to die as a martyr than to heal the hearts of Kuffar.  
17 Kuffar means disbelievers. It also means nonMuslims.  
18 Kuffar is spelled K-U-F-F-A-R.

19 Q. And if we can move forward to page 8, please.

05:09:27 20 And if we could enlarge that second paragraph from the  
21 top.

22 A. Okay. He wrote in the 19-page manual, "Shred all  
23 evidence linking you to any brothers. Destroy phone, hard  
24 drive, papers, plans, and keep your AK-47 loaded, waiting  
05:09:49 25 for a no-knock entry. And prepare yourself to go into the

1       hiding or die in honor or to be muted in their prisons.

2       Agents have the most dirty tactics, while having the cupcake  
3       Muslims believe that they are their friends."

05:10:07 4       Q.       What are some of the -- just a summary of some of the  
5       other things that were in this manual?

6       A.       Well, there's a lot. Maybe if we went to the table of  
7       contents, we could get a snapshot of that.

8       Q.       Let's go back to page 1. So -- to show you the table  
9       of contents?

05:10:23 10       A.       Yeah, there's plenty to talk about.

11       Q.       What was the table of contents?

12       A.       It's a greeting to Muslims, particularly in the U.S.  
13       And in Ghuraba, G-H-U-R-A-B-A-H means strangers. Often  
14       jihadis refer to themselves as strangers, or they use this  
05:10:56 15       Islamic term to call themselves strangers because in their  
16       mind they're strangers to this world. They're not of this  
17       world. They're not associated with the rest of society.  
18       And they're just strangers passing through.

19               So this is a loaded statement in the title itself.

05:11:12 20       Q.       There's also a reference to the "United snakes." Is  
21       that a term you've seen before?

22       A.       No, actually, I haven't. This is pretty unique.  
23       Obviously you can see it's pretty adversarial to the United  
24       States by the use of that term. But the 19 pages then  
05:11:29 25       follow this table of contents here, talk about how do

1 special agents work, some of the tactics that they use, how  
2 does the U.S. government use surveillance to track  
3 counterterrorism subjects, the tactics of agents. And then  
4 GPS is kind of a way for saying guidance to give to jihadis.  
05:11:53 5 Number 4 is GPS for Al-mujahideen.

6 So Al-mujahideen is spelled A-L, dash,  
7 M-U-J-A-H-I-D-E-E N. Literally mujahideen are those that  
8 commit jihad.

9 ISIS use this is term to describe their soldiers. And  
05:12:22 10 so this is guidance for how to be a soldier in the United  
11 States.

12 Q. And if we could move forward to page 18. There's a  
13 section called, "Final advice."

14 What is -- at the bottom of this big paragraph, what  
05:12:39 15 does this document advise people to do?

16 A. The bottom it says, "My dear brother, my last words  
17 for you now are to seal your book of records with your blood  
18 and make Dua for the author."

19 Q. Actually, could you go one paragraph behalf that. The  
05:12:58 20 file line of one paragraph above that?

21 A. Yes, and if there is any difficulty to understand  
22 terms, I'll stop at the sentence.

23 "Final vision?

24 "My final advice to my brothers and sisters in  
05:13:09 25 America, fear Allah and don't allow them to take you to

1 prison. We see here again and again the humiliation and  
2 isolation that our brothers have been subjected to after  
3 being caught. The agents place you in prison for 15 to 25  
4 years or for life in silence. This heals their hearts and  
05:13:29 5 quenches their souls for them to be able to interrogate,  
6 torture, and parade you around. Stop going to jail  
7 willingly. If your cover is blown or you are waiting for  
8 them to convict you, die shaheed."

9 Q. If I can stop you there for a second there. What does  
05:13:46 10 shaheed mean?

11 A. Shaheed means a martyr, a martyr who's killed while  
12 fighting.

13 Q. And then without having to read the rest of the  
14 paragraph, what does the author specifically advise you keep  
05:13:57 15 with you and do in your homes?

16 A. He mentioned boobie traps, lie in wait, and he says to  
17 keep your AK-47 or your M16. You should never leave your  
18 home without your AK-47 or M16.

19 Q. And if we can move to the last page of the document.

05:14:14 20 Who's listed as the author of this document?

21 A. Abu Ibrahim Al Ameriki, also pronounced Abu Ibrahim Al  
22 Emeriki. That is spelled A-B-U, space, I-B-R-A-H-I-M,  
23 space, A-L, A-M-E-R-I-K-I.

24 Q. So after downloading this document and reviewing it,  
05:14:48 25 did you later discuss it with the person you were

1 communicating with?

2 A. Yes.

3 Q. Did you discuss who might have authored this document?

4 A. Yes, we did.

05:15:00 5 Q. What were those discussions about?

6 A. If we could refer to the verbatim --

7 Q. Yeah, we can pull back up Government's Exhibit 8. And  
8 go to page -- bring up page 44, please.

9 A. At the bottom here, he says, "Looks like they're in  
05:15:36 10 the U.S., LOL." Well, "In the USA."

11 Q. And is that consistent with the way the author is  
12 listed?

13 A. Correct.

14 Q. Now, did there come a time when this person asked if  
05:15:53 15 you authored this document?

16 A. Yes.

17 Q. And did you?

18 A. No.

19 Q. Did you ask if he ever authored the document?

05:16:04 20 A. I believe so. If we could -- it's possible to refer  
21 to those slides.

22 Q. If we could move forward to government's -- to page  
23 89, please.

24 Is this part of the discussion that you were referring  
05:16:31 25 to?

1 A. Yes.

2 Q. And if we could move forward to page 90, please.

3 And 91.

4 How did you describe this particular document?

05:16:44 5 A. I said it's just like watching a spy movie and taking  
6 notes.

7 Q. And if we could move forward to page 98.

8 He asks you a question here. What is the context of  
9 this question?

05:17:04 10 A. So he said, "You know, deep stuff," referring to the  
11 document. And he asked, "Is it you, akhie?" Akhi means my  
12 brother. Is it you, my brother? And he spelled that  
13 A-K-H-I-E, and what I understood was if I am the one who  
14 authored the document.

05:17:28 15 Q. At this time did you have any suspicions about who had  
16 written the document?

17 A. Yes. And I think maybe the next slide you can see  
18 where that came from.

19 Q. Can we go to page 99, please.

05:17:41 20 A. So he asked me if I was the one that authored it, and  
21 that certainly was not the case. And then he offered what I  
22 thought was kind of out of nowhere. He said it was not me.  
23 I never said it was him. I never asked him if it was him.  
24 I don't think I did.

05:17:56 25 Q. If we can move to page 100, please?



1 A. But he was curious about who I thought wrote the  
2 document. And he asked a couple questions about my opinion  
3 of the author or who the author was.

4 Q. In we could move forward to page 101.

05:18:18 5 At the bottom of this page, there's a reference to  
6 giving you the task to do something. What was that?

7 A. So he gave me the task of enlightening another  
8 brother. And then he provided me with the account  
9 information to contact another brother.

05:18:40 10 Q. If we could, please, go back to page 59 of Exhibit 8.

11 How did he describe his role in this group you guys  
12 were using?

13 A. Well, he said that every team has a recruiter. And he  
14 also told me he spends hours online finding people online  
05:19:02 15 and then referring some of them to me.

16 And so I noted this, that it seems like he's pretty  
17 forward thinking. And then he responded, "What gives you  
18 the impression I think steps ahead, brother?"

19 And he had well demonstrated at that to me.

05:19:23 20 But once I took note of that, then he seemed  
21 inquisitive about why I came to that conclusion.

22 Q. Okay. And if we can move forward to page 107 -- I'm  
23 sorry, if we can go back to -- move to page 79, although I  
24 guess here it's going forward. So page 79, please.

05:19:41 25 Did he provide you some further information about

1 where he might have been located?

2 A. Yeah, he did mention Texas in this screen here.

3 Q. And if we can move forward to page 80.

4 And to 81.

05:20:02 5 What does he say about where he was born?

6 A. He said he was born in Montana, and, you know, for me  
7 to imagine how it would feel going through there.

8 Q. And if we can could move forward to page 85, please.

9 Did he ever send you a photo?

05:20:23 10 A. Yes, he sent me this photo and told me it was him.

11 Q. And did you later learn or have any suspicions on  
12 whether or not this was truly him?

13 A. Yes. I did not think that this was him.

14 Q. Why not?

05:20:38 15 A. It didn't -- it just seemed like an odd picture. I  
16 think it may have -- I know I later saw that on the  
17 Internet, and he actually used the same picture as a profile  
18 picture I believe on a Twitter account.

19 In fact, the same user later used the same picture on  
05:20:59 20 a Twitter account. On the Twitter account, that picture was  
21 viewable to the world. So if he was going to use a true  
22 picture of himself and make it viewable to the world and  
23 Twitter, that would be completely inconsistent with all the  
24 efforts that he has taken to that point to hide his  
05:21:14 25 identity.

1 Q. And if you could just slow down a minute?

2 A. Sure.

3 Q. And finish up and just go a little slower, please?

4 A. Do you want me to repeat that?

05:21:23 5 Q. Just a brief summary, just a little bit slower,  
6 please.

7 A. Okay. So he sent this picture and claimed it was him.  
8 And he also said he was born in Montana.

9 I suspected this was actually misinformation, that was  
05:21:40 10 not his true -- a true picture of him. And I later saw this  
11 identical picture on Twitter as a profile picture for one of  
12 his other Twitter accounts. And if someone were to use this  
13 picture as a profile picture on Twitter, that would be  
14 viewable to the world, meaning publicly accessible. And  
05:22:04 15 making an image of himself viewable to the world would be  
16 contrary to everything that he had talked about while taking  
17 extensive measures to hide his true identity.

18 Q. If we can move forward to page 107, please.

19 So did you, again, get a request or get information  
05:22:30 20 that there would be a new account coming from him?

21 A. Yes. On April 18 at 9:36 a.m. he notified me that I  
22 will be receiving a new request for him.

23 So I anticipated receiving contact from a new account,  
24 and it to be from him.

05:22:50 25 Q. And if we could please pull up Government's Exhibit

1 12, please?

2 What is Exhibit 12?

3 A. So this is a receipt of a new message from a new  
4 account that the user created a new account. And it's  
05:23:06 5 entitled, "Hiding my rights." And this was another, another  
6 classic transition that was consistent with the nature of  
7 our relationship to this point.

8 Q. And can we move forward to page 16?

9 Yeah, page 16.

05:23:28 10 What did he tell you he had been requested to do?

11 A. So at 4:03 p.m., he said, "Hijrah is not what senior  
12 people requested me."

13 I understood that hijrah, meaning traveling to Syria  
14 or Iraq to join ISIS, is not what senior people  
05:23:49 15 are -- requested from him.

16 And I inferred that this reference to senior people  
17 were contacts that he was probably having with people that  
18 are in ISIS, which is, at that time was very doable, by  
19 virtue of social media, it was not hard at all to contact  
05:24:10 20 ISIS members in Syria in 2015.

21 Q. If we can move forward to page 20, please.

22 Is this a continuation of that same conversation?

23 A. Yes. So he said, "No, the conditions for a Wiliyah  
24 have to be in place." Wiliyah is spelled W-I-L-I-Y-A-H.  
05:24:34 25 "The conditions for Islamic State territory have to be in

1 place." And he said he was only giving advice.

2 Only provide advice to wolves and connect people to  
3 form groups.

4 So he said he provides advice and he's providing  
05:24:52 5 advice to wolves, and he put a space in the spelling of the  
6 word wolves, and connect people to form groups. And  
7 certainly in English speaking jihadi circles, the term  
8 wolves is a term they use to describe themselves, kind of  
9 like a loan wolf, loan wolf attack.

05:25:14 10 And so here he's saying that the advice he provides is  
11 how to connect with people and form groups.

12 And I understood that to mean connect with people to  
13 form groups of wolves.

14 Q. If we can move forward to page 41.

05:25:33 15 If you take a look at the communications on page 41,  
16 what was the general basis for this conversation?

17 A. So he had brokered an introduction between me and  
18 another person he found online and explained that he wanted  
19 me to vet them out to see if they would be suitable to join  
05:25:55 20 our group.

21 And so I had a conversation with that person. And in  
22 the beginning here, he provided a commentary on how past  
23 conversation went between him and this new referral.

24 And he said had him contacted. They gave him Salaams,  
05:26:14 25 and he responded with "Hello, brother."

1 Salaams is spelled S-A-L-A-A-M-S.

2 And I knew at this time that he had coopted others  
3 which were FBI informants to do similar task that he gave  
4 me. And those tasks were to talk to people that he assigned  
05:26:34 5 to us and vet them out as a candidate to join our group.

6 And so in this case, he told me that he had somebody  
7 else talk to the candidate. And that person tasked with the  
8 vetting process, they gave the Islamic greeting which is  
9 referred to as Salaams, and the candidate responded to the  
05:26:55 10 Islamic greeting incorrectly and they responded by saying,  
11 "Hello, brother."

12 And so that was a violation of the Islamic protocol.  
13 So right off the beginning, this candidate was not doing  
14 well in the vetting process because they were giving an  
05:27:12 15 improper Islamic greeting.

16 And so, in other words, he was saying that this guy  
17 is -- he's not doing well. He's probably not of the same  
18 caliber of what we're looking for in our group.

19 And this person is someone who is not even satisfying  
05:27:29 20 the bear minimum Islamic protocols may be of concern. It  
21 might be a spy.

22 Q. So what does he say he told this person?

23 A. So having that concern, if not suspicion, he said I  
24 warned him against extremism and told him to be aware of  
05:27:52 25 terrorism.

1           So in other words, if he came across someone he  
2           suspected of being a spy, he wanted to give them an image  
3           that he was against terrorism, so he would warn them of  
4           extremism and beware of terrorism, so that way the potential  
05:28:07 5           spy would not be concerned about him.

6           Q.     So if we could turn to page 58, please.

7           In the -- towards the bottom half of this, you make a  
8           comment about a picture. What were you referring to?

9           A.     So I said, "By the way, you fooled me with that thobe  
05:28:31 10          pic of you."

11          Thobe, spelled T-H-O-B-E. The thobe picture. A thobe  
12          is just the traditional Arabic clothing, the white robe that  
13          the man was wearing in that picture.

14          "So you fooled me with that picture of you wearing the  
05:28:50 15          white thobe. I thought that was really you. No way it is.  
16          I was the sucker."

17          So I told him at the moment, "Well, maybe this really  
18          is him." But then I thought about it and I said, "There's  
19          no way. You fooled me."

05:29:02 20          And rather than refuting my conclusion, he said, "Give  
21          me your logic." He wanted to know why I came to that  
22          conclusion.

23          Q.     If we can move on to page 59, please.

24          A.     So he wanted to know how I came to this conclusion  
05:29:20 25          that that was not a legitimate picture of him. I said, "So

1 I thought it was you when you first sent the picture.  
2 Pretty cool how Wickr does it. Kind of like Snapchat. You  
3 said it was eight years and it looked it."

4 But then "Abu C shows up with exact same pic. Come  
05:29:42 5 on."

6 Q. What was Abu C a reference to?

7 A. Okay. So Abu C, spelled A-B-U, space, the letter C,  
8 that is a reference to a Twitter handle that is Abu  
9 commander. And I noticed that this Abu commander Twitter  
05:30:00 10 handle was also a mutual friend of the original target that  
11 I had and was also prolific in the same online circles  
12 within Twitter. And I suspected that that Twitter account  
13 was used by him because it's easy for any one to have  
14 multiple Twitter accounts. Very easy to do.

05:30:24 15 Q. If we can pull up Exhibit 13, page 1, please?

16 And if we can enlarge the top, please?

17 Is this the account you were just referencing?

18 A. Yes. So this is Twitter handle Abu commander, and you  
19 can see the same picture.

05:30:44 20 Q. Okay. If we can go back to Exhibit 12, please?

21 And to page 61.

22 So after this discuss about the photograph, did he  
23 give you any lessons?

24 A. Yes, he did. So, I kind of figured it out. And I  
05:31:11 25 think once I explained my logic, he realized that. And then



1 he told me that war is deception and that misinformation can  
2 be used to elude spies. And so I think he conveyed to me  
3 that he uses the practice of using misinformation and  
4 deception to evade the spies.

05:31:32 5 Q. What did he say about face-to-face?

6 A. He said that misinformation will be never used -- will  
7 never be used in face-to-face meetings. He said, you know,  
8 he occasionally uses the misinformation online only, but  
9 never in a face-to-face meeting.

05:31:48 10 Q. And if we can move forward to page 70, please.

11 There's a statement by "Hiding my rights, if he spy,  
12 warn of extremism."

13 What was that referring to?

14 A. So he told me when he comes across someone he's  
05:32:11 15 suspicious of, his practice is to warn them of extremism.

16 And at this time, he was bringing additional referrals  
17 to me and coaching me on how to ask Islamic trivial  
18 questions and how to vet them out. And he told me if I  
19 suspect they're a spy, I should just warn them of extremism.

05:32:34 20 Q. If we could move forward to page 83, please.

21 At the bottom of the page, what did he tell you he  
22 does?

23 A. He says, "It's hard to sift through brothers and Allah  
24 chooses only the few."

05:32:48 25 So what I understood that is that he spends a lot of

1 time sifting through the brothers. And there's so  
2 much -- there's so many contacts you can have on Twitter and  
3 that's what I understood his -- he perceived his job to be.

4 Q. And taking a look at the next page, what did he say  
05:33:09 5 about how often he does this?

6 A. He says that he did this every day, day in and day  
7 out.

8 And based on my observation of his online activity, he  
9 seemed to back it up well because he was very busy online.

05:33:24 10 Q. If we can move forward to page 86, please.

11 What was happening at the bottom of page 86?

12 A. He told me I might need to change the identity -- my  
13 identity after that brother. And I think that this was a  
14 reference to the original target that was a mutual friend of  
05:33:52 15 us that got arrested, or this may be a reference to another  
16 candidate that we talked to.

17 But, nonetheless, he thought that there may be reason  
18 that I should change my account ID.

19 Q. What did you guys set up to identify each other?

05:34:08 20 A. Okay. So because we had this, you know, the volley or  
21 the leapfrogging of accounts, we established a code number.  
22 And so I proposed the number 17. So that if we ever have to  
23 ask each other kind of a challenging question to confirm  
24 that it's us talking, we would use the number 17.

05:34:28 25 Q. And did you later use that code?

1 A. Yes.

2 Q. What does the 17 refer to?

3 A. The number 17 can be a reference to the number of  
4 times -- let me back up.

05:34:45 5 So a Muslim who prays five times a day will recite the  
6 fifth chapter of the Koran. In the course of praying five  
7 times a day, praying the mandatory prayers, they will recite  
8 this first chapter of the Koran 17 times.

9 So a practicing Muslim, praying their mandatory  
05:35:06 10 players will do this 17 times, including bowing 17 times.

11 It's also called Rakaa, R-A-K-A-A.

12 Q. If we could move on to Exhibit 14, please.

13 So was there a switch of user names after  
14 hidingmyrights?

05:35:28 15 A. Yes, there was. So.

16 Q. What was the next user name this person used?

17 A. So I was still using my previous Wickr account, but I  
18 received a new message shortly after that -- the previous  
19 slide. And I received it from the screen name accepted, on  
05:35:47 20 Wickr, and very quickly, that user provided the code number  
21 and it was correct.

22 Q. If we can move forward to page 2.

23 What did he want you to do starting on April 23?

24 A. Well, he said he found -- he had another good brother  
05:36:07 25 that he wanted me to meet.

1 Q. If we can move forward to page 3, please.

2 And how were you to communicate with this person?

3 A. He explained that this new brother that he wanted me  
4 to meet only used Surespot.

05:36:20 5 Q. And if we can move to page 4, please.

6 And to page 5.

7 Did he ultimately give you a Surespot name?

8 A. Yes, he did. And he also said that he was vouching  
9 for this brother and he was a good and clean brother. And,  
05:36:40 10 yes, he provided me with the contact information for this  
11 brother.

12 Q. If we can move forward to page 6.

13 And to page 7.

14 THE COURT: Just one moment, counsel.

05:36:51 15 Do you need a break? Do you have water?

16 A JUROR: Um-hum.

17 BY MR. SHEPHERD:

18 Q. Do you sign the contact information you were provided  
19 on this page?

05:37:10 20 A. Yes, the contact information for the new account, for  
21 the new brother, was juba1911.

22 Q. Did you ultimately communicate with that person on  
23 Surespot?

24 A. Yes, I asked for clarification that this indeed was a  
05:37:29 25 Surespot contact name. And he did respond. He said, "Yes,

1 it is."

2 Q. And if we could move forward to the next page please.

3 And to page 10 -- actually, I'm sorry, if we could go  
4 back to page 9.

05:37:47 5 There's a reference from accepted saying what is your  
6 name he asking.

7 What was going on?

8 A. So this user was asking for what was my Surespot  
9 account name. And I provided it to him.

05:38:02 10 Q. And what was the sort of context of this?

11 A. This is more on the verge -- this is just before me  
12 talking to this new brother that he wanted me to meet.

13 Q. So we can move to page 10, please.

14 A. So I could tell that he was trying to broker this  
05:38:22 15 conversation, to be the go between, between me and the new  
16 brother.

17 Q. What did you report back to accepted on page 10?

18 A. I told him that I had been talking to him, that I  
19 talked to him that evening.

05:38:35 20 Q. If we could please pull up Exhibit 24.

21 So did you indeed talk to this new jubal911?

22 A. Yes, and you can see at the top of the screen it says  
23 saifullah. That is spelled S-A-I-F-U-L-L-A-H, that was my  
24 account name, that I provided to the Wickr user.

05:39:05 25 And then, of course, the person I was conversing with

1 had the same Surespot screen name that I was told about.

2 Q. What kinds of things did you talk to this jubal1911  
3 about?

4 A. We talked about -- we talked about getting arrested by  
05:39:22 5 the FBI. We talked about spies that worked for the FBI and  
6 resulted in the arrest of a friend of his. We talked about  
7 weapons. We talked about FBI sting operations. We talked  
8 about the event in Garland, Texas, which was the drawing of  
9 the Prophet Muhammad art contest.

05:39:47 10 Q. And so if we can move to page 2 to work our way  
11 through some of this.

12 And at the bottom of page 2, you make a comment about,  
13 "We've got a good mutual brother." Who were you referring  
14 to?

05:40:02 15 A. The user of Wickr account accepted who is -- has been  
16 the same user throughout all of my communications we  
17 referenced today thus far.

18 Q. If we can move to page 3.

19 And page 4.

05:40:19 20 How did you describe that person who jubal1911?

21 A. I said that he was also a good brother and that we  
22 have been talking about organizing.

23 Q. Did that then lead to these further conversations?

24 A. Yes.

05:40:37 25 Q. Did this person talk to you about his prior history?

1 A. Yes.

2 Q. And if we could move forward to page 22.

3 What was he starting to tell you on page 22?

4 A. So he told me that he had been arrested before. And  
05:41:04 5 at the bottom here he said, "It was not for a worldly  
6 affair." So I think he was trying to tell me that he got  
7 arrested for something that wasn't -- that -- something  
8 that, like a nonMuslim might do. And he had a spy that was  
9 watching him for four years.

05:41:24 10 Q. Can we move to page 23, please.

11 And to page 24.

12 And to page 25.

13 What does he describe happened in his case?

14 A. So I asked about the snitch that resulted in his  
05:41:48 15 arrest, the spy.

16 And he said that that snitch got paid over 100 G's,  
17 which I understood to be other \$100,000, but he got paid  
18 \$100,000 over the course of four years business so that's  
19 \$25,000 year, which he did not think was that much, that  
05:42:08 20 high amount.

21 And he also warned me that new people, new faces, new  
22 Muslims are always an issue meaning they should be of  
23 concern when you're trying to fine a spy.

24 Q. And if we could move forward, please, page 26.

05:42:21 25 Did he tell what you the result of this case was?

1 A. Yeah, he said he got bailed out. He had one of the  
2 charges against him was dropped. He had three years of  
3 probation. And he had one stayed, which I understood he had  
4 one year of incarceration.

05:42:39 5 Q. And can we move forward.

6 And what was sort of going on in this conversation?

7 A. So he told me that the spy who reported on him was in  
8 his mosque. He said, of course, he was inside of his mosque  
9 and the spy was pretending to be a Muslim.

05:43:05 10 Q. Did he ever tell you how long he been a Muslim?

11 A. I think he said he had been a Muslim for about 11  
12 years.

13 Q. And at some point, you referenced this incident or  
14 this event in Garland, Texas. Did he provide you  
05:43:18 15 information about that?

16 A. Yes, he did.

17 Q. If we could move forward to page 46, please.

18 And while that's going on, this conversation with  
19 jubal1911, does it take place in one day or over a series of  
05:43:35 20 days?

21 A. It was a series of days.

22 Q. And there's a message here about a link. What was  
23 that referring to?

24 A. So he posted a link which was a story, essentially an  
05:43:48 25 advertisement for an upcoming event in Garland, Texas. And



1 that event was entitled -- an art contest for the drawing of  
2 the Prophet Muhammad.

3 Q. If we can move to page 47, please.

4 And to -- and first at the bottom, what does he say  
05:44:07 5 about this event?

6 A. So I told him I didn't have his Twitter account.

7 He said, "It's okay." He posted it. He said, "Many  
8 people responded to what he tweeted about."

9 And he said that one of the people that responded to  
05:44:22 10 his link about this event was a muj, spelled M-U-J. I  
11 understood muj to be brecciation for a mujahid, and a  
12 mujahid which is spelled M-U-J-A-H-E-D. A mujahid, again,  
13 is just someone to does jihad, literal definition.

14 So he received a response from a mujahid. Actually he  
05:44:47 15 said he received many. That's the way I understood it, at  
16 8:07. So he received many responses.

17 And then he said to me, "You can assume what the  
18 mujahid said about such an event."

19 So he was telling me that I could probably predict or  
05:45:03 20 I could assume what a mujahid would say about such an event.

21 Q. And if we could move forward to page 48, please.

22 Then there's a response by you. It says, "Muj?"

23 A. Correct. So he used the word M-U-J. And I wanted to  
24 just definitively clarify that we're talking about a  
05:45:25 25 mujahid, and I don't know of any other word that can be

1 abbreviated with M-U-J. But that was my attempt to make  
2 sure we're both talking about the same thing.

3 Q. And then there's a response by you that says, "Tear up  
4 Texas"?

05:45:37 5 A. Right. So if you don't mind going back one screen.

6 Q. If we can go back to page 47, please?

7 A. Then you can see at the bottom of this, at 8:07, he  
8 says to me, "You can assume what the mujahid had to say  
9 about the event," at 8:07.

05:45:53 10 So I was responding to that statement.

11 And at 8:08, I gave my response to his statement, when  
12 he said, "You know, assume what the mujahid would say."

13 Well, my response of what the mujahid would probably  
14 say is, "I predicted that the mujahid would probably say  
05:46:11 15 tear up Texas in response to the article about the art  
16 contest in Texas."

17 Q. Was that response meant as an encouragement to  
18 juba1911?

19 A. No, it was my response to his bringing up the topic of  
05:46:29 20 wondering what someone else, what a third party, what a  
21 mujahid would have to say.

22 Q. What else does he state on page 48?

23 A. He told me that someone else in the context of this  
24 tweet about the event also popped up to talk about it. And  
05:46:53 25 he was claiming to be in Texas.

1 And when I also said, "I think that a mujahid would  
2 say tear up Texas," he said, "Bro, you don't have to say  
3 that."

4 And I took it as he was admonishing me not to be so  
05:47:12 5 blunt. And he said, "You know what happened in Paris."

6 Q. What would Paris be a reference to at this time?

7 A. The sophisticated terrorist attack by ISIS supporters  
8 in Paris in 2015.

9 Q. And the reference to "This guy popping up and talking  
05:47:33 10 about meeting," who did you believe that was a reference to?

11 A. The user of accepted.

12 Q. If we could please move forward to the next page.

13 Did you also -- did he eventually actually send you  
14 the link to that event?

05:47:55 15 A. Yes.

16 Q. If we can move to page 55, please.

17 And is the link on this page?

18 A. Yes.

19 Q. Did he have an overall opinion of that accepted -- of  
05:48:12 20 the person you were talking to, who used user name accepted?

21 A. We did discuss him. And it was not entirely clear to  
22 me on what his full opinion was of accepted.

23 Q. And if we can go to page 59, to start.

24 And actually let's go back to page 58 for better  
05:48:40 25 context.

1           So at the bottom of page 58, what is jubal1911 telling  
2     you?

3     A.     So we talked about being connected, we talked about  
4     figh, spell F-I-Q-H, and I talked about, you know, "Are we  
05:48:59 5     following orders? Are we taking orders? Is the other  
6     brother connected."

7           And he wrote, "Connected?"

8           And at the end, he said -- I said, "You can ask him to  
9     define that."

05:49:17 10          But at the end, at 9:26 p.m., he said, "I will say one  
11     thing on that. If you have your own thing, keen it."

12     Q.     Can we move to page 59, please.

13     A.     And then about that one thing, he said because you  
14     know it's real and functional. So this one thing that I  
05:49:38 15     should keep with me at all times, I should keep it with me  
16     because it's real and functional.

17          Then he asked me if I understood what he was trying to  
18     say.

19     Q.     Can we move to page 60, please.

05:49:53 20          In the context of these statements, what did you  
21     believe he was referring to?

22     A.     Weapons. I knew that he had a criminal history. He  
23     had been incarcerated. And those that are familiar with the  
24     legal process and have been burned by it, meaning that they  
05:50:11 25     had been arrested by a spy, experienced criminals know not

1 to say outright exactly what they mean and they try to talk  
2 around it.

3 And so I believe that he was trying to talk around the  
4 issue of having a functional weapon with him. And I  
05:50:27 5 determined that because, within minutes he said if you read  
6 about sting ops from the news they never give authentic  
7 things.

8 And what I understood this to mean is that when he  
9 said "they never give authentic things," meaning spies  
05:50:43 10 working for the government, won't give a terrorist something  
11 that's authentic, something that's real and functional.

12 So when he introduced -- when he talked about the  
13 thing and it being real and functional, and then when he  
14 asked me if I understood, the first thing he said after  
05:50:58 15 asking me if I understood, he brought up sting operations.

16 Q. At the time you were having this conversation, did you  
17 know the identity of juba1911?

18 A. I did not. Obviously I was in -- I was put in contact  
19 with him in short order. And so all I had was just this  
05:51:16 20 account information. And I did not know ultimately who it  
21 was connected to at that time I was communicating with him.

22 Q. Based on the information provided to you about the  
23 personal history in that communication, did you later learn  
24 who that user was believed to be?

05:51:35 25 A. Yes. Based on the context of this, I was very

1 concerned and I reached out to the agents I was working for  
2 to convey that, and I did learn who the ultimate user of  
3 this was.

4 Q. And who was that?

05:51:46 5 A. That was the deceased Elton Simpson.

6 Q. And when you say the deceased, how did he become  
7 deceased?

8 A. He was killed while conducting a terrorism attack in  
9 Garland, Texas on the draw the Muhammad drawing contest  
05:52:06 10 while drawing the Prophet Muhammad.

11 Q. Now, after this conversation with jubal1911, did you  
12 report back on the conversation to accepted?

13 A. I did.

14 Q. So if we could go back to Exhibit 14, please.

05:52:25 15 And go to page 47.

16 Is this where you're reporting back on the  
17 conversation?

18 A. I believe so. This looks right.

19 Q. And what did you tell accepted?

05:52:43 20 A. Well, I wasn't sure of what the opinion of the user of  
21 jubal1911 was. I did not know the full opinion of Elton  
22 Simpson about accepted.

23 And I said, basically, he thinks you're a spy because  
24 Elton Simpson cautioned me about talking to this person.

05:53:15 25 Q. If we could move forward to page 48, please?

1 A. And I knew that by saying that, introducing the spy  
2 allegation or suspicion, I figured that that would probably  
3 elicit a reaction and it would probably get the person, the  
4 user of accepted, it would probably get him talking.

05:53:34 5 Q. And what did he tell you about his communications with  
6 that person?

7 A. He said he talked with him for six hours yesterday, on  
8 the previous day.

9 Q. And if we can move forward to page 49, please.

05:53:48 10 And is this further communications about Elton  
11 Simpson?

12 A. Yes. The user of accepted said that Simpson told him  
13 his whole life story. And he spent -- and the user of  
14 accepted spent the whole day talking to Elton Simpson.

05:54:11 15 Q. What were the dates of those communications with Elton  
16 Simpson?

17 A. Beginning on April 23, and then it ended on the very  
18 early morning of April 25, 2015.

19 Q. Now, did you personally have any further communication  
05:54:23 20 was him?

21 A. No, not after April 25, 2015.

22 Q. I now want to go back to page 42 of Exhibit 14.

23 THE COURT: Counsel, why don't we take a break.

24 I think it's been a long period of time now. We've gone  
05:54:42 25 about an hour and -- well, not quite an hour and a half.

1 But let's take our afternoon break.

2 Ladies and gentlemen, leave your notepads on your  
3 chairs. Remember all the admonitions I've given you about  
4 not discussing the case with anyone. All the other  
05:54:57 5 additional admonitions.

6 We'll take about 15, 20 minutes, and then we'll  
7 reconvene for the balance of our day.

8 Thank you very much.

9 All rise.

05:55:05 10 (Jury out, 2:45.)

11 THE COURT: All right, counsel, just real  
12 quickly -- well, before we take our break, how much longer  
13 do you anticipate with this witness?

14 MR. SHEPHERD: Your Honor, it's taking longer  
05:55:41 15 than I anticipated, and I would likely be the balance of the  
16 day.

17 THE COURT: That's fine. Again, I wanted to just  
18 know if we can get the witness's testimony in on direct by  
19 the end of the day.

05:55:54 20 MR. SHEPHERD: I hope to finish his direct by the  
21 end of the day, Your Honor.

22 THE COURT: All right. Do the best we can.  
23 Thank you.

24 (Recess taken, 2:47 p.m.)

06:23:51 25 (Jury in, 3:15 p.m.)



1 THE COURT: All right, Counsel. You may resume  
2 your examination.

3 MR. SHEPHERD: Thank you, Your Honor.

4 BY MR. SHEPHERD:

06:24:56 5 Q. If we would please pull up Exhibit 14, page 42,  
6 please.

7 Special Agent Jane, there's a reference to "loud and  
8 silent accounts."

9 What was that a reference to?

06:25:08 10 A. So I understood that he had various online social  
11 media accounts, loud ones where he would express a lot of  
12 opinion and silent ones which were just that, that seemed to  
13 have kind of a lower profile.

14 Q. And if we could move to page 43, please.

06:25:31 15 And page 44. So what does he explain at the top of  
16 page 44?

17 A. He said that, "The loud accounts draw in people and  
18 the silent ones I convo through," so I understood that he  
19 would say inflammatory or inciting or attention grabbing  
06:25:48 20 content on social media, just to see what kind of reactions  
21 he would get. And then if he saw someone he wanted to  
22 converse with more based on their reaction, then he would  
23 contact them through a different set of accounts, meaning  
24 the silent ones.

06:26:01 25 So that way he could kind of gives the appearance that

1 when he contacted someone from a silent account, that he  
2 wasn't the type of person that they might think he is.

3 Q. And then does he reference "Establishment of an  
4 encryption?

06:26:17 5 A. So, yes. So after, once he decides to reach out to  
6 somebody, then he would transition those communications to  
7 encryptions applications.

8 Q. I would like to jump ahead to page 143, please.

9 There's an instruction from accepted to contact  
06:26:40 10 someone in this communication.

11 Do you see that?

12 A. Yes, I do.

13 Q. Who were you supposed to contact?

14 A. So this is a brother who is another candidate for me  
06:26:51 15 to vet out. So I was tasked by the user of accepted to vet  
16 out this brother.

17 And this brother in actuality was an FBI informant.

18 And we referred to him as the Pennsylvania brother or the PA  
19 brother.

06:27:06 20 Q. And if we could move forward to page 144.

21 Is that referred to here in this communication?

22 A. Yes. And so, you know, I had conversed with him and  
23 then also the user of accepted said that he also conversed  
24 with him and thought that he was in Pennsylvania.

06:27:24 25 Q. And if we move forward to page 153.

1           What does -- what does accepted tell you about his  
2           location at this point?

3           A.     He said that he was in Maryland at the time.

4           Q.     And approximately when would this communication have  
06:27:48 5           taken place?

6           A.     I would have to go back to the date stamps on these to  
7           give you an exact date.

8           Q.     If we could move forward to the next page.

9           Actually we'll come back around for the exact date.

06:28:06 10          Did -- was there any communication with you about  
11          meeting up with the -- that brother from Pennsylvania in  
12          person?

13          A.     I think so. We talked in general about the need to  
14          meet each other or the need to meet new candidates.

06:28:30 15          Is your question about me, my persona meeting the  
16          Pennsylvania brother?

17          Q.     Yes, your persona.

18          And if we could take this slide down and move to page  
19          158, please.

06:28:44 20          Is there a reference to you going somewhere to meet  
21          accepted?

22          A.     Yes. Yes. We talked about meeting in Baltimore,  
23          Maryland.

24          Q.     And who else would have been at that meeting?

06:29:01 25          A.     The Pennsylvania brother.

1 Q. Did you ultimately go to Baltimore to meet accepted?

2 A. We talked about it and I gave him the impression that  
3 I was trying to meet him in Baltimore, but I did not  
4 physically.

06:29:12 5 Q. To Baltimore. Was there ever a time where the user of  
6 accepted brought up the event that was scheduled in Garland,  
7 Texas again?

8 A. Yes, he did.

9 Q. And if we could move to page 159, please -- I'm sorry,  
06:29:32 10 163.

11 And highlight the top, please.

12 So what did accepted tell you?

13 A. So we previously were talking about the Shuhadah from  
14 a sham in the top line. Shahadah is spelled S-H-U-H-A-D-A.  
06:29:59 15 That literally means the martyrs. And those martyrs were  
16 from Ash-Shaam. That is spelled A-S-H, hyphen, S-H-A-A-M.  
17 That means Syria. That's the way ISIS refers to Syria as.

18 So we were talking about martyrs in Syria, and then  
19 his next line was, "Yes, do you know that in Texas, Pamela  
06:30:28 20 Geller has organized a convention on May 3 called Drawing  
21 the Prophet Muhammad."

22 And that was taking place in Garland, Texas.

23 And I noticed that when he spelled Pamela Geller's  
24 name, that consistent when he -- consistent with his  
06:30:46 25 practice of putting spaces inside of sensitive words, he did

1 that the same, so that told me that he thought mentioning  
2 her name was sensitive.

3 Q. And if we could move to the next page, please.

4 Now, did you have further discussion with him about  
06:31:06 5 that event?

6 A. Yes.

7 Q. And did you discuss where you had previously heard  
8 about it?

9 A. Yes.

06:31:14 10 Q. And what is it that you were discussing with him?

11 A. With -- I'm sorry, could you repeat the question?

12 Q. Yes, I'll rephrase.

13 So -- first, where are you heard about that event  
14 previously?

06:31:27 15 A. I heard it while talking to the user of jubal1911 who I  
16 later knew to be Elton Simpson.

17 Q. And what was accepted's response -- let me back um.  
18 Did you inform accepted that you had heard about that  
19 previously?

06:31:44 20 A. Yep.

21 Q. And what was his response?

22 A. His response to me, having learned about the event?

23 Q. What was his response to you reminding him that juba  
24 had told you about it?

06:31:57 25 A. He asked, "Who is juba?"

1 Q. And what did he claim?

2 A. He said he just found out today.

3 Q. And if we can move forward to the next page.

4 And the following page.

06:32:12 5 Page 166. What does he indicate there?

6 A. So he says this information is new to me,

7 which -- when he asked me the question, "Who is juba?" I

8 was confused by this, because he's the one that introduced

9 me to juba. And I told me he spent hours talking to him,

06:32:32 10 including his whole life story.

11 And so I reminded him. And then he said, "This is new

12 to me," which this was a -- this is inconsistent with what I

13 knew that he actually knew.

14 Q. Move to page 167, please.

06:32:47 15 And what do you tell him in that second line about

16 juba?

17 A. And I said, "You know, juba. You know, what do you

18 mean you're asking about who is juba? You put me in contact

19 with him."

06:32:59 20 Q. And what was his response?

21 A. Then he clarifies and said, "Oh, the Arizona brother."

22 And that for me affirmed that we're talking about the

23 same juba because he's the one that told me that juba was

24 from Arizona.

06:33:12 25 Q. And what else does he say to confirm that?

1 A. He said the one who called me a spy, which that means  
2 now he is referring to a previous conversation that we had  
3 about juba.

4 Q. Okay. We can move to the next page, please.

06:33:26 5 And to page 169.

6 What does he say you can do at the top of this page?

7 A. He said that I can link up with him. And that it was  
8 my call.

9 Q. And what does he say about the event in Texas?

06:33:45 10 A. "The scum in Texas." He said he just saw the drawing,  
11 the news about the drawing this evening.

12 Q. And what is a Museebah, M-U-S-E-E-B-A-H.

13 A. I do not know?

14 Q. Okay. If we go to page 170, please.

06:34:07 15 Did you continue to talk about this event?

16 A. Yes.

17 Q. And if we could move forward to page 178, please.

18 There's a comment here about working on airfare. What  
19 were you referring to?

06:34:28 20 A. I was giving him the impression that I was seriously  
21 considering joining him in Baltimore, Maryland and that I  
22 was working on airfare, to see if it was possible.

23 Q. Then if we can move to page 183, please.

24 And scroll down.

06:34:55 25 I'm sorry, let's go back to -- I think we're zoomed in

1 on this page.

2 Are you still talking about meeting on page 183?

3 A. Yes. And I also talked about a meeting that the user  
4 of accepted had with another brother who was the  
06:35:16 5 Pennsylvania brother, who was also an FBI informant.

6 Q. And can you move to page 184, please?

7 And if we could back up before we get here to page  
8 182.

9 What -- at the beginning of page 182, what was he  
06:35:37 10 telling you?

11 A. So we had talked about the riots in Baltimore that  
12 were occurring at the time and that the riots and chaos in  
13 Baltimore provided an opportunity.

14 And he said that "Baltimore is not good right now.  
06:35:51 15 The flame has died. I meet our mutual brother from PA and  
16 he is the real deal."

17 Around I understood that to mean that he met the  
18 brother from Pennsylvania and he said that he's the real  
19 deal after meeting him face-to-face.

06:36:03 20 And he also said that the Pennsylvania brother was  
21 also very -- was very humble.

22 Q. And if we can back up to page 180, please.

23 Okay.

24 On page 180, there's a very difficult screen shot to  
06:36:25 25 read. There as lot of stuff sort of blacked out. What's



1       blacked out on this page?

2       A.       So the lighting conditions were very poor at the time  
3       I took this picture.

4               At the very top is the user name that I was using on  
06:36:38 5       Surespot. So this is a Surespot messaging application.

6               The person I was communicating with was using the  
7       account helptheummah. And you can read that if you look  
8       closely in the very top center.

9               And then these communications began on the morning of  
06:36:58 10       May 2 which I initiated.

11       Q.       And at what time?

12       A.       I initiated this message at 7:55 a.m. on May 2. And  
13       that was Pacific Time Zone.

14       Q.       And are these reflections of you that are blacked out?

06:37:14 15       A.       Yeah, they're somewhat reflections of my face that are  
16       elsewhere are on the screen.

17       Q.       And if we can back up to page 179.

18               So what was happening with Wickr I guess early that  
19       same morning at 4:17 a.m.?

06:37:35 20       A.       As the user of accepted noted, it was acting funny.  
21       Just occasionally there would be kind of like a backlog of  
22       messages sent or received and sometimes there would just be  
23       a delay in those messages being sent.

24               And so because of this, he said that he would go to  
06:37:53 25       his Twitter account, which I already knew of, and he would

1 post his new Surespot account. So that way I would know how  
2 to contacts him on Surespot.

3 And this was just as an alternate means of  
4 communication.

06:38:04 5 Q. And can we go to pull up Exhibit 18, please.

6 And go to page 2.

7 So what's happening here in the morning of -- at 7:50  
8 in the morning, on this Twitter page?

9 A. So following his comments about how we needed to  
06:38:27 10 transition, I sent a direct message to him on his Twitter  
11 account. And I told him what my new Surespot account would  
12 be, which was the Surespot account that I created was called  
13 ummahdefender, that was spelled U-M-M-A-H, defender. That's  
14 all one word.

06:38:49 15 Q. And if we go back to Exhibit 14, page 180.

16 Is this then the resulting Surespot conversation?

17 A. Yes. So I gave him my new Surespot account. He said  
18 give me a few minutes. Literally a few minutes went by,  
19 approximately three minutes.

06:39:10 20 At that time I received an invitation from a new  
21 account that I knew to be his.

22 So I accepted that invitation. And then I  
23 reciprocated by sending a greeting. Those capital letters  
24 are an abbreviation of the Islamic greeting.

06:39:25 25 Q. And then in the center, what did you tell him?

1 A. I gave him the name of my new Wickr account.

2 Q. Which was what?

3 A. GoldenEra.

4 Q. And what date was this?

06:39:39 5 A. So this was on May 2 at 7:55 a.m.

6 Q. And what did he tell you in this communication?

7 A. He acknowledged the receipt of the new screen name  
8 that I was using. And then he said, "The city is totally  
9 locked," which I understood to mean that was his mentioning  
06:39:59 10 of the status of Baltimore, Maryland at the time.

11 Q. If we continue to page 181.

12 Did you return to Wickr that day?

13 A. Yes, I did.

14 Q. And is this the -- does this show the return to Wickr  
06:40:16 15 as your communication device?

16 A. Yes, so I created this new account and. Then  
17 subsequently after informing him of the account identity, I  
18 received a message from accepted. And it's worth saying  
19 that no one else knew of this account's existence except for  
06:40:32 20 this user.

21 Q. And if we move forward to page 182.

22 Is this then the same day that you had the Surespot  
23 communication?

24 A. Yes. And you can see that there's the continuity of  
06:40:47 25 the conversation where we're, again, talking about Baltimore

1 and the brother from Pennsylvania.

2 Q. So this would be May 2, 2015?

3 A. Yes.

4 Q. If we could move forward to the next page, please.

06:41:03 5 And then to page -- I'm sorry to page -- the very next  
6 page.

7 So we're on page 184. Actually let's go back to page  
8 183.

9 I apologize.

06:41:16 10 So what were you talking about on page 183?

11 A. I gave a positive reaction about the news that the  
12 user of accepted had met the Pennsylvania brother who I knew  
13 to be an FBI informant.

14 So I gave him a response to that, that the "MA!" is an  
06:41:38 15 abbreviation of that positive reaction.

16 I told him that I was jealous that he got to meet the  
17 brother and that all praise was due to Allah.

18 And I said something positive about that brother.

19 And then I later said I want to talk to you about  
06:41:58 20 meeting. I found cheap airfare, but scheduling is tough  
21 because it might be bad to jeopardize something I got going.

22 Q. And can we start to move forward, please? Page 184.

23 And before we get to this one, can we move forward to  
24 185.

06:42:14 25 And 186.

1 And -- let's start with 188.

2 We're going to go back to 184.

3 If we could go back to 184, please.

4 Okay. If we could enlarge the communications here.

06:42:50 5 What does this say?

6 A. I know it's blurry, difficult to read, but the message  
7 from accepted says, "I wish someone could go to Texas and  
8 harass them during the night."

9 Q. What did you believe that was referring to?

06:43:07 10 A. Well, he wanted me to go to the State of Texas. And  
11 then harass them during the night. That was not clear to  
12 me. That was -- we had never talked about doing  
13 anything -- he never used that word "harass" during the  
14 night. It seemed odd. I did not know what he meant by that  
06:43:25 15 at the time.

16 Q. What was going on in Texas?

17 A. Well, we had already discussed this significant event  
18 in Texas, which was Draw the Prophet Muhammad art contest in  
19 Garland, Texas.

06:43:37 20 So when he mentioned Texas, that's -- when he  
21 mentioned the State of Texas, I thought back to the last  
22 reference to Texas which was Garland, Texas.

23 Q. What was your response?

24 A. I said, "Right on. Unbelievable that she is going on  
06:43:55 25 there" -- if you could just zoom out a little bit. I think

1 it might be a little bit easier to read.

2 Okay. "Right on. Unbelievable what she is going on  
3 there." No" -- I think -- "great insult."

4 Q. And is there a reason there's a blurry screen shot?

06:44:14 5 A. Poor photography on my part.

6 Q. What else --

7 A. At this point, I was a little rushed because you can  
8 see he changed his self-destruct setting to five minutes and  
9 so I was just juggling a few things between taking pictures,  
06:44:33 10 processing what he was saying, and then coming up with what  
11 to say next.

12 So I didn't have a chance to double check my  
13 photography.

14 Q. And what was his response to you?

06:44:42 15 A. He said, "A good solid protest."

16 And my previous statement, I said, "unbelievable what  
17 she was" -- "what she going on there." And at this point I  
18 thought it was understood that we're talking about the Draw  
19 the Prophet Muhammad contest.

06:45:01 20 And when I mentioned she, I thought it would be clear  
21 that we're talking about Pamela Geller, which the user of  
22 accepted had introduced.

23 Q. Was she the organizer of that event?

24 A. Yeah, Pamela Geller was the organizer and kind of the  
06:45:18 25 public figure for that event.

1 Q. And the reference to a good solid protest, how did  
2 that fit with the other things that you had been told by  
3 accepted?

4 A. It did not. We had never discussed protests or First  
06:45:32 5 Amendment speech or politics. The mention of protest was  
6 inconsistent with anything else we talked about up to this  
7 point. You think of a regular protest like a rally and a  
8 verbal protest.

9 Q. Move to page 185.

06:45:48 10 So what was your response to that?

11 A. So I was confused by what he meant by a protest. And  
12 I suspected that he had an alternate meaning. And so I  
13 challenged him on this. And I said, "Look, if we are  
14 talking about doing any normal conventional protest, that  
06:46:08 15 means we're going back on the grid."

16 And that's contrary to what he told me to do. And  
17 then I said, "Oh, freedom of speech don't mean nothing to  
18 them," meaning, I was saying there's no value in doing a  
19 verbal freedom of speech protest.

06:46:21 20 Q. What was his response?

21 A. So he clarified -- because I was kind of questioning  
22 saying like I don't think I understand what you mean.

23 And so he came back and said that I should do a unique  
24 one-man protest, which still seemed odd to me because who  
06:46:36 25 does -- it's not conventional when you think of rallies and

1 protests for just one man to do a unique protest.

2 Q. Move to page 186, please.

3 And what else happened in the conversation here?

4 A. Well, when he said -- when he introduced this concept  
06:46:58 5 of doing a unique one-man protest, I responded by saying, "I  
6 like it," and awe, "I get it now. I get what you're trying  
7 to say. He said our brothers and sisters are going to laugh  
8 at us." And then, "Ha, ha, ha, sounds like a road trip,  
9 baby." And he responded with, "Indeed."

06:47:16 10 So I said basically make the news, meaning whatever  
11 this intended unique one-man protest is, is probably going  
12 to make the news.

13 And I was trying to get him an opportunity to clarify  
14 by when he meant, because if he meant some peaceful  
06:47:33 15 conventional protest, then this is his opportunity to  
16 clarify to me what he intended.

17 Q. Did he state where he was at that time?

18 A. Baltimore, yes.

19 Q. Can we move to page 187.

06:47:51 20 And how did you respond then?

21 A. I just told him I had some research to do based on the  
22 tasking that he gave me or based on his expressed interest  
23 in someone doing something in Garland, Texas. I told him I  
24 had some research to do.

06:48:06 25 Q. What did you think he meant by all of this at that



1 time?

2 A. Right. At that time, given the large volume of  
3 conversations that we had about jihadi ideologues, we  
4 established that we were taking instruction and orders from  
06:48:26 5 ISIS, the brain. When he -- and when we talked about this  
6 event and the nature of this event, I presumed that he  
7 determined that this event would be a great target for a  
8 terrorist attack.

9 Q. Move to page 188, please.

06:48:45 10 Did he indicate whether he would be able to go?

11 A. Yes. So he told me he doesn't fly. Again, he  
12 reaffirmed that he doesn't fly and he had a lot of ground to  
13 cover. And this was May 2, the day before the event. And  
14 so he said he probably wouldn't be able to make it just  
06:49:05 15 because of driving distance.

16 Q. What did you ask him?

17 A. I asked him, "Well, is this unique one-man protest  
18 just for me, or are there any other brothers?"

19 Q. And page 189, please.

06:49:16 20 What was his response?

21 A. Well, with this tasking, I wanted to know, is there a  
22 plan? And are there others involved?

23 Because he indicated that he had a vision for what he  
24 wanted done in Garland, Texas. So I asked him about other  
06:49:33 25 brothers. And so he said, "See what you and bro juda can

1 do. At least be heard."

2 Q. Who did you believe juda was a reference to?

3 A. So I believed that juda was a typo and that he meant  
4 to type Juba, or it wasn't he meant to write juda and that  
06:49:53 5 was just another one of his tactics for changing the  
6 spelling of the intended word, but to make it a little off  
7 so it may not be detected.

8 Q. And what did he say back?

9 A. Okay. So he said, "At least be heard." And I asked  
06:50:07 10 him if he was still in contact with juba.

11 And then he said he has another brother he knows. So  
12 he was telling me that juba, who I later learned was Elton  
13 Simpson, had a second person, another brother with him.

14 Q. If we can move to page 190, please.

06:50:24 15 And to page 191.

16 At -- what were you trying to do on page 191?

17 A. So in realty, I did not have, at that moment, I didn't  
18 have the authorization to reengage communication with Elton  
19 Simpson.

06:50:47 20 And so I did not want to -- I didn't have the ability,  
21 the authorization to converse with him anymore.

22 And so I wept back to him and I basically had to have  
23 a stalling technique and I said I didn't have the ability to  
24 contact him. I didn't have his Surespot account anymore.

06:51:05 25 That he dumped his Surespot account.

1 And I was unable to find him on Twitter. So I was  
2 saying like, "Hey, I made an effort, but I just wasn't able  
3 to contact him like you told me to."

4 Q. Move to the if he can page, please.

06:51:17 5 And the following page.

6 Did he ultimately give you a possible account?

7 A. Yes. So I explained I couldn't find him on Twitter  
8 and so he provided me a Twitter handle. And he said, "Yes,  
9 I think it is Tawwakil," and that was spelled

06:51:36 10 T-A-W-W-A-K-I-L.

11 And other investigators later told me that that was  
12 consistent with a Twitter account that the deceased, Elton  
13 Simpson, was using.

14 So he was trying to help me reconnect with Elton  
06:51:53 15 Simpson.

16 Q. Can we move to page 194.

17 And 195.

18 What does he say to you on page 195?

19 A. Okay. So I said, "I'm going to need to fuel up on  
06:52:11 20 high octane caffeinated coffee because the user of accepted  
21 would assume I would have a long road trip." I was going to  
22 have to drive from the southwest to Garland, Texas.

23 And so I told him, "Hey, this is -- I'm going to have  
24 to fuel up for a long road trip."

06:52:27 25 And he told me, "Make it happen."

1 Q. Go to page 196, please.

2 What did he tell you he was going to do then?

3 A. So then he told me, "I have to take my battery out for  
4 awhile," like remove the battery from his cell phone, which  
06:52:46 5 was -- he was telling me that he was going to be unavailable  
6 online because his phone would not be functioning.

7 Q. Move to page 197, please.

8 And 198.

9 So on May 3, 2015, did you travel to Garland, Texas?

06:53:06 10 A. Yes.

11 Q. Prior to traveling, did you get -- do any prior  
12 coordination with your superiors?

13 A. Yes. So with my chain of command and the office I was  
14 working for, which is a separate field office, they approved  
06:53:25 15 up through their highest ranking agent so my chain of  
16 command, the other office I was working for and then the  
17 Dallas field office also has a chain of command and they all  
18 the way up the highest ranking agent in the Dallas field  
19 office also was aware of my travel to Garland, Texas and  
06:53:45 20 approved of it.

21 Q. What was your purpose in going to Garland?

22 A. So my purpose for going there, my operational goal was  
23 to be able to demonstrate to the user of accepted that I was  
24 following his guidance, that he gave me a tasking and I was  
06:53:59 25 going to follow through with it.

1           So my goal was to go there, observe the event, take  
2 pictures, and so when I later met him face-to-face, I could  
3 pull up my phone and say, "Look it. I was there. Here are  
4 the pictures. Here is the time I took them. Here is the  
06:54:13 5 date I took many them. I can tell you about the weather  
6 that day. I can tell you all the atmospheric that a person  
7 who went there would see," and communicate that back to him  
8 and my plan was to tell him that I went to execute this  
9 solid one-man protest. And I was unable to, and so I would  
06:54:32 10 have to, you know, not complete that task, but I got close.

11           I did the best I could. And I was -- I had planned to  
12 use a security reason to say that it was not suitable for me  
13 to execute the task.

14 Q.     Were you traveling in your undercover role?

06:54:47 15 A.     Yes.

16 Q.     So what does that mean if you're travelling in your  
17 undercover role?

18 A.     So I had nothing that would identify me with the FBI,  
19 so I had no badge or credentials or weapon or anything that  
06:54:58 20 a regular agent would have. I did not.

21 Q.     And when you got down to Texas, did you link up with  
22 somebody on the scene, law enforcement?

23 A.     Yes. So I was working for another field office, but  
24 they put me in contact with a local FBI agent who was a task  
06:55:17 25 force officer working for the FBI office in Dallas. And he

1 also worked for the Garland Police Department as well.

2 So he was my immediate point of contact.

3 And then by Email I was put in contact with the FBI  
4 agent who was also in charge at the event.

06:55:36 5 Q. Did you make any contact with juba or Elton Simpson?

6 A. I did not.

7 Q. Did you travel with him?

8 A. No.

9 Q. Did you have -- at that time did you have any  
06:55:50 10 knowledge of where he physically was?

11 A. I did not have definitive knowledge of where he was at  
12 that time.

13 Q. So did you continue to communicate with accepted on  
14 Wickr?

06:56:03 15 A. Yes.

16 Q. And if we look at page 198 of Exhibit 14, what are you  
17 communicating?

18 A. So I announced that I arrived -- well, that I was  
19 traveling to Garland, Texas and that I got there. You know,  
06:56:20 20 he wanted to know -- he asked a couple times about where I  
21 physically was at.

22 Q. If we can go to page 199, please.

23 And what did he indicate regarding the Arizona  
24 brother?

06:56:32 25 A. I said, "By the way, I couldn't find the Arizona

1 brother."

2 Q. If we could go to page 200, please.

3 And so did you indicate when you arrived at the event?

4 A. Yes. The local time was 5:19 p.m. on May 3.

06:56:48 5 Q. So during this actual event, where were you physically  
6 located?

7 A. I was in a parking lot across the street looking at  
8 the event center. I was placed there -- when I first got to  
9 Dallas, I linked up with this Garland Police Department  
06:57:04 10 officer who also worked full-time for the FBI.

11 So he drove me around. He showed me the lay of the  
12 land. He explained to me what was happening. I explained  
13 to him what my purpose was for being there and what I  
14 intended to do. And he took me to a parking lot, a spot  
06:57:20 15 where he positioned me and said this was a suitable place  
16 for me to basically just sit there and operate on my phone.

17 Q. Did you continue to communicate with accepted during  
18 the event?

19 A. Yes.

06:57:31 20 Q. Please go to the next page.

21 What kinds of things did you discuss?

22 A. Well, he wanted to know what it was like there. And I  
23 assume that he wanted to know about the security posture.

24 And so I provide him with some general observations that  
06:57:51 25 were available to the public, anyone who was driving by the

1 event or watching it in the news, perhaps, could make the  
2 same observations.

3 And so I was giving him legitimate observations that  
4 anyone in the public could make, so that it was believable  
06:58:07 5 that I was there.

6 Q. If we could go to the next page, please.

7 What did he tell you to do?

8 A. He told me to buy a ticket and get pictures, or he  
9 said I could maintain distance and just observe.

06:58:22 10 And if I were to "See that pig Pam, to make my voice  
11 heard against her." And, of course, "voice" is in quotation  
12 marks. And when he said, "That pig Pam," he was referring  
13 to Pamela Geller.

14 Q. When did you believe "voice" in quotation marks meant?

06:58:39 15 A. Well, I was pretty sure it didn't mean literally to  
16 make my voice heard. And so he had some other intention  
17 about what he wanted me to do and it was not verbal.

18 And so I inferred that he wanted me to attack her, you  
19 know, use violence to target Pamela Geller.

06:58:59 20 Q. And go to the next page, please.

21 And could we increase the size of this?

22 Did he start to ask you questions?

23 A. He did. He wanted to know about the security posture  
24 there, particularly how many police officers, security  
06:59:20 25 officers were there, how big it was, how many people were



1 present.

2 Q. And did you provide answers to those questions?

3 A. I did. I provided either responses that were  
4 abundantly clear to anyone in the public and could easily be  
06:59:32 5 obtained, or I provided him with misinformation which would  
6 provide a tactical advantage to law enforcement if something  
7 were to happen.

8 Q. Okay. Next page, please.

9 And the next slide, please.

06:59:49 10 Next page.

11 So did he specifically ask how many police there were?

12 A. Yes, he did, police or agents, yes, he did.

13 Q. And what did you respond with?

14 A. Well, specifically I said, "You know, there was about  
07:00:09 15 15ish outside," which is just an approximation. There was  
16 two portable watch towers, which were very obvious, two  
17 major check points, and I said there were no Muslim protest  
18 terse there.

19 Q. Next page, please?

07:00:23 20 A. And when I said -- what I intended when I said "no  
21 Muslim protester," conventional protesters that were holding  
22 signs, etcetera.

23 Q. Did he ask about the building itself?

24 A. Yeah, he wanted to know how big it was and whether or  
07:00:40 25 not it was made of wood.

1 Q. We can go to the next page, please.

2 What else did he tell you to do?

3 A. He wanted me to take precise notes. He asked me how  
4 long I could be there. And he said that he was driving back  
07:01:01 5 that way now, and I made a reference to the police officers  
6 that I observed smoking and joking, and he called them  
7 cowards.

8 Q. Okay. Next page, please.

9 What other questions did he ask you?

07:01:20 10 A. He wanted to know if I observed feds there, who I  
11 believe would be federal law enforcement officers. And he  
12 told me to look very closely. And he asked me if I saw any  
13 snipers.

14 Q. And did you respond to those questions?

07:01:35 15 A. Yes, I did.

16 Q. Can we go to the next page, please.

17 And what did you tell him?

18 A. Well, I gave him misinformation to provide law  
19 enforcement with a tactical advantage in the event that a  
07:01:52 20 violent activity did happen.

21 So I told him "No snipers, no dogs, just small town  
22 cops directing traffic. And no feds," although the FBI did  
23 have a large presence there.

24 Q. Next page, please.

07:02:06 25 So we're now up to page 211 of Exhibit 14.

1 Did he continue to ask you questions?

2 A. Yes, he did.

3 Q. And what was he asking now?

4 A. So he said, "Does hotel have anything overlooking that  
07:02:24 5 place?"

6 So I told him that I was positioned near a hotel  
7 across the street from the event.

8 And so he was asking me if I could basically use, you  
9 know, the hotel as a place to have a vantage point for  
07:02:37 10 observation.

11 Q. Okay. And then what else did he ask you on this page?

12 A. Then he said, "What you got with you."

13 And so I understood this question that he was asking,  
14 what did I physically have with me. And I inferred that he  
07:02:53 15 was asking me what kind of weapon did I have with me.

16 Q. Go to page 212, please.

17 How did you answer?

18 A. I said simply "Tools of the trade."

19 Q. And what was his response?

07:03:07 20 A. Then he said "LOL," and then to offer some  
21 clarification and what I physically had with me, I said,  
22 "Not a small hand tool."

23 Q. What were you trying to communicate by those  
24 responses?

07:03:20 25 A. I was alluding to the fact that I did not have a

1 handgun with me but, rather I had a rifle with me.

2 Q. Can we go to the next page, please?

3 What did he -- what did he tell you after that?

4 A. So he said that "The people doing the drawing and  
07:03:36 5 hosting and observing are the ones that needed to protest  
6 against." Meaning, he thought that they should be the  
7 target of the protest.

8 Q. And what did you tell him?

9 A. I just gave him some additional observations, not a  
07:03:51 10 lot of foot traffic, but everyone is inside the event center  
11 at the time. And then I told him that the event was going  
12 to be ending at 7:00 which was about 30 minutes from that  
13 time.

14 Q. And what was his response?

07:04:04 15 A. So, you know, I described that I was on the outside  
16 and everyone else was on the inside, and that a ticket was  
17 required. It was a closed event. Closed to the public.

18 And he said, "Yeah, they are there, but you can voice  
19 your concerns to the hosts after their detail is gone,"  
07:04:21 20 which I understood that after the event was over and  
21 everyone would be leaving the interior of the event center,  
22 they would go back out to the parking lot, they would go to  
23 their cars, and at that point at the end of the event, if  
24 Pamela Geller had a security detail with her, then I should  
07:04:37 25 wait until the -- until that detail, which I understood to

1 be a security detail, would be gone.

2 Q. Can we go to page 214?

3 A. Then I could voice my concerns.

4 Q. I'm sorry. Can we go to page 214.

07:04:52 5 And what else did he state?

6 A. He said that "They will be outside yapping their  
7 mouths and thanking the pigs."

8 So he projected that the people that should be the  
9 target of the protest would be outside talking in the  
07:05:06 10 parking lot after the event.

11 Q. Can we go to page 215?

12 What did talk about on this slide?

13 A. He said, "I can't believe there are no other Muslims  
14 there at least with signs, SMH," which I understood to mean  
07:05:27 15 shaking my head.

16 Q. Can we go to page 216, please.

17 And page 217.

18 Did he ask you about media that might be there?

19 A. Yes. He asked me what the media presence was. And I  
07:05:47 20 gave him an answer based on, you know, superficial  
21 observations I was able to make.

22 Q. What was his response?

23 A. "There are more ways to skin a chicken. They expect  
24 protest."

07:05:59 25 Q. Did you understand what he meant?

1 A. No. I mean, not entirely.

2 Q. If we can move to page 218, please.

3 What did he tell you at the bottom of this page?

4 A. Well, he said that if I was not able to give them a  
07:06:23 5 hard time, that I could wait on him, wait for his arrival.

6 Q. And right before that what were you telling him?

7 A. So I just gave him some additional observation that  
8 anyone could make by simply googling the event center.

9 And I told him I was looking at Google Maps and I told  
07:06:42 10 him what I saw. And I was trying to give him the impression  
11 that, you know, I could provide some tactically valuable  
12 information. And I said, "You could study Google Maps and  
13 satellite images and see the area I'm talking about. Could  
14 have parked at the high school next door and take a short  
07:07:00 15 walk through the woods and end up at the back door of the  
16 convention center."

17 Q. Can we go to page 219?

18 A. And he seem interested in that when he said -- with  
19 the response of "Really?"

07:07:10 20 Q. On page 219, what were you telling accepted?

21 A. Well, I was really just trying to keep the  
22 conversation going by giving him the allusion that I was  
23 providing him with real information.

24 And -- but because, you know, he wanted to talk about  
07:07:30 25 the security and cops and law enforcement and feds. He also

1 wanted to make the point that they are pure cowards.

2 Q. Did you reference yourself being a lion?

3 A. I did. I said that the law enforcement officers

4 "Don't realize that there's a lion staring them down from

07:07:48 5 behind the tall grass in the woods." And I was referring to  
6 myself.

7 Q. And while all of this is going on, are you still  
8 physically located at the event?

9 A. Just across the street from it, yes. But I wanted to  
07:07:58 10 give him the impression that I was a tool of his and I was  
11 postured to do what he wanted me to do.

12 Q. Page 220, please.

13 What was his response?

14 A. So he responded with the same response that terrorists  
07:08:15 15 use when conducting a terrorist attack which is, "Allah  
16 akbar." He spelled that phrase as A-L-L-A-H, A-K-B-A-R.  
17 That means God is great.

18 And so he gave basically the highest form of praise or  
19 the highest celebratory Islamic phrase that again is used to  
07:08:39 20 announce or celebrate a successful terrorist attack. And he  
21 said that after I described myself as a lion waiting to  
22 pounce basically.

23 Q. Can we move to page 221, please.

24 So what happened towards the bottom of page 221?

07:08:58 25 A. So he said, "I wish you could take their photos," or

1 that's what I understood him to say.

2 And so I think he understood what I was there for and  
3 what I was able to do.

4 And so I gave -- you know, he told me to go take their  
07:09:16 5 photos. That means I would have to get in close. I would  
6 have to go towards the event. I would have to leave my  
7 position, go across the street, and get close to the targets  
8 that he wanted me to protest against.

9 So when he said he wished that "I could take their  
07:09:33 10 photos." I told him that I'm going to see how close I can  
11 get. That basically I'm going in.

12 And I conveyed to him that I was terminating our  
13 conversation. I used the capital letters at the bottom.  
14 That's the standard way for terminating a conversation. So  
07:09:48 15 he knew that that was going to be the last time he was going  
16 to hear from me at the conclusion of that conversation.

17 So, in other words, he knew that I was going to leave  
18 my position and go into the event, get close to the event.

19 Q. If we go to page 222, please.

07:10:03 20 And what was the final bit of advice from him?

21 A. So when he knew that I was going in, he told me, he  
22 gave me another piece of advice. And he said, "You may see  
23 her get into a car to go to airport or catch a flight,  
24 etcetera."

07:10:19 25 What I understood that, he was giving me some last



1 minute advice for how I could best locate Pamela Geller.

2 Q. If we could pull up Government's Exhibit 71, please.

3 Do you recognize this photo?

4 A. Yes, I do. This is the convention center in Garland,  
07:10:40 5 Texas.

6 Q. So after that last string of communications, what did  
7 you do?

8 A. So I terminated the conversation with him, giving him  
9 the impression that I was going in.

07:10:52 10 Before I -- before I physically moved, I called my  
11 point of contact, again, who was the task force officer,  
12 Garland Police Department officer assigned to the FBI.

13 And I asked for his permission if I could leave my  
14 place, do a drive by of the convention center and take  
07:11:15 15 pictures of it as I was driving, which I could later use for  
16 future conversations.

17 Q. And does this show -- is this an accurate depiction of  
18 the aerial layout of the event center?

19 A. Yes.

07:11:25 20 Q. And also the roads around it on May 3, 2015?

21 A. Yes.

22 Q. Where were you going to drive?

23 A. So looking at this picture, I was in the kind of top  
24 right corner in a parking lot, which you can't see in the  
07:11:38 25 picture. But I was, again, in the area of the top right

1 corner.

2 So I drove to the left, down that main road at the  
3 top. So from right to left.

4 Then I turn around and I intended to drive back. And  
07:11:53 5 as I was doing my final drive-by of the event center, I was  
6 going to take pictures of the event enter and in the process  
7 of taking the pictures, I would probably catch a glimpse of  
8 the police checkpoints, and then I intended in the future to  
9 say, I was going into execute the attack; however, I  
07:12:09 10 encountered these police checkpoints and I will couldn't do  
11 it. I just waived off the attack."

12 Q. Before you go any further, can you just use your  
13 finger and actually touch the screen and trace the road you  
14 were just talking about?

07:12:20 15 A. Sure, so when I started moving in my car, I drove this  
16 way and I was going down a hill and I did -- I looped back  
17 around and came back up in that direction.

18 Q. Now, when you drove down on your first pass, were you  
19 behind any cars?

07:12:35 20 A. No. Not that I recall.

21 Q. What happened when you got to the end of that road and  
22 made the turn around you just described?

23 A. So I drove down a ways, drove downhill.

24 I then turned left into an empty parking lot to turn  
07:12:51 25 turned around and just came back.

1           When I came back on the road, I ended up behind a  
2           vehicle. There was a vehicle right in front of me. I was  
3           driving behind that vehicle. That vehicle was driving slow.  
4           You know, it was driving in an abnormal way. And I remember  
07:13:08 5           thinking to myself that I would like to pass this car  
6           because they're just getting in my way and they're  
7           not -- they're driving slower than the speed limit.

8           And the nature of their driving, I remember thinking  
9           to myself it seemed like an indecisive driver or perhaps  
07:13:21 10           like a drunk driven or someone not driving normally.

11           And I wanted to pass them; however, I really couldn't  
12           just by the nature of the road so I was kind of stuck behind  
13           a slow driver.

14           And then we came up the hill and we encountered the  
07:13:37 15           first access point into the parking lot for the convention  
16           center.

17           And then -- would you like me to describe --

18           Q. Well, if you could stop there for just a moment.

19           What I would first like to do is pull up Government's  
07:13:51 20           Exhibit 109.

21           Do you recognize -- actually let's do 110 first.

22           First, do you recognize Government's Exhibit 110?

23           A. Yes, I do. So this picture was taken with the  
24           convention center to my left. And this picture was taken  
07:14:08 25           during my first drive-by, just came right out of the hotel

1 parking lot and convention center on my left.

2 Q. And what is that, if we can zoom in where there some  
3 orange things in the center?

4 A. Yeah. So there's just orange traffic cones with what  
07:14:26 5 appears to be two or three officers there. And they had  
6 like a security checkpoint. And that was just one of the  
7 two access points into the parking lot.

8 Q. And is this photo a fair and accurate depiction of  
9 what you saw on May 3, 2015?

07:14:42 10 A. Yes.

11 Q. Again, did you take this photo?

12 A. Yes.

13 Q. If we could bring up Government's Exhibit 109.

14 What is Exhibit 109?

07:14:52 15 A. So I had turned around and was coming back to do my  
16 second drive-by of the convention center. And I took this  
17 picture, which is the same police checkpoint, which is also  
18 the first access point into the parking lot for the  
19 convention center.

07:15:09 20 And the car I was describing that I was kind of stuck  
21 behind driving behind was off to kind of the center left of  
22 the picture frame. And it was still in front of me.

23 So right about where you have the cursor.

24 Q. And can we enlarge sort of this section, please, over  
07:15:29 25 to the left center?

1 Do you see what appears to be a shadow of anything  
2 along the left side?

3 A. Yeah, and I suspect that that little small dark shade  
4 of a color on the pavement of the street is actually the  
07:15:44 5 shadow cast by the car that was in front of me.

6 Q. And is this also a fair and accurate depiction of what  
7 you saw on May 3 of 2015?

8 A. Yes, that is exactly what I saw.

9 Q. And can we please go to Government's Exhibit 71,  
07:16:03 10 again?

11 Where on this overhead map were those photos we just  
12 saw, where did those take place?

13 A. Right, so I was taking pictures of this access point  
14 to the parking lot.

07:16:16 15 Q. So what happened as you drove up behind this car next  
16 to that access point?

17 A. So I observed the car pull off slightly to the side,  
18 to the right on the road.

19 And then I saw the doors open. I saw two men jump out  
07:16:34 20 of the vehicle with assault rifles and opening fire and  
21 engaging the officers at that police checkpoint.

22 Q. About how far away were you when this happened?

23 A. Maybe one or two car lengths behind them. And as they  
24 pulled off to the side of the road to stop and get out, I  
07:16:54 25 was then trying to pass the car. So I observed this while

1 driving past them, you know, exiting the vehicle and opening  
2 fire with assault rifles.

3 Q. Did you expect that to happen?

4 A. Nope.

07:17:10 5 Q. What was your immediate reaction?

6 A. My immediate reaction was to get out of the immediate  
7 area because there was a fire fight. There was a shooting  
8 that was occurring between the police officers and the  
9 shooters, the attackers.

07:17:23 10 And my instincts trained that I need to do something  
11 in an official capacity to respond to a crime that I'm  
12 observing.

13 I had no means to physically interdict the shooting.  
14 I had no weapon with me. My vehicle was at a point where it  
07:17:39 15 was passed the area of the attack so it wasn't like I could  
16 use my forward momentum of the vehicle to, you know,  
17 interdict the attackers. That physically was not possible.

18 And so my instinct, the best I can do right now is I  
19 can report what I'm seeing to report to law enforcement.  
07:17:58 20 And I reached for my phone and I began to place an emergency  
21 phone call from my phone as I was very quickly driving away  
22 from the scene of the crime.

23 Q. What happened?

24 A. I was very quickly stopped by many police officers,  
07:18:15 25 jumping into the road, and halting my vehicle.

1 Q. Were you dressed in your role at that time?

2 A. Yes.

3 Q. So would you have appeared to be possibly one of the  
4 attackers?

07:18:28 5 A. I could be. I very well could be perceived by the  
6 officers that were stopping me because I was literally right  
7 next to the attackers at the time. And then as they jumped  
8 out of their vehicle, I was speeding off in mine. And so  
9 the officers that observed this event happening and then  
07:18:46 10 seeing me immediately leaving the scene could be suspicious  
11 that I was involved.

12 Q. So what ultimately happened after you were pulled  
13 over?

14 A. So I was detained. He was taken out of my vehicle and  
07:19:00 15 treated like I was, you know, a suspect, and they were just  
16 securing the area. And I was, you know, handcuffed and  
17 detained and put in the back of a police vehicle.

18 Q. Did you later learn who the two men were who jumped  
19 out of the car with guns?

07:19:15 20 A. Yep.

21 Q. Who were they?

22 A. It was Elton Simpson and Nader Soofi.

23 Q. And did you spell the Nader Soofi, please?

24 A. I think that the legal spelling of his name is  
07:19:27 25 N-A-D-E-R for the first name and then Soofi. I think his

1 legal spelling was S-O-O-F-I.

2 Q. After this event, did you attempt to make contact  
3 again with -- actually, let me back up a moment.

4 Where had these two men come from who committed the  
07:19:49 5 attack?

6 A. Phoenix, Arizona.

7 Q. After this attack, did you make any efforts to  
8 reengage with accepted, the person you had previously been  
9 communicating with?

07:19:59 10 A. Yes, late that night, I did.

11 Q. If we can go back to Government's Exhibit 14.

12 A. And that was either late in the evening of May 3 or  
13 earlier the morning on May 14, 2015.

14 Q. If we can go, I believe, to page 226.

07:20:24 15 Maybe 225.

16 Let's go back to 221 then.

17 Okay. If we can go to the next page, please.

18 And then the next page, page 223.

19 Is this what you were rearing to?

07:20:56 20 A. Yes. So on May 4 at 12:20 a.m., this is my response  
21 to accepted following the attacks.

22 Q. Now, did you know that Mr. Simpson and Soofi were  
23 going to commit that attack?

24 A. No.

07:21:11 25 Q. When you were making this comment here to accepted,



1 what were you trying to accomplish?

2 A. First, it's standard for juhadis to respond about news  
3 of a terrorist attack about allahu akbar, so just giving the  
4 standard response that was consistent with my persona. And  
07:21:35 5 secondly letting him know that I was alive.

6 Q. Did he respond to this?

7 A. Yes, I think he responded shortly thereafter. I think  
8 maybe a day later.

9 Q. Did he respond -- did he get back in touch with you  
07:21:47 10 using a different account from accepted?

11 A. I believe so. I may have to go to a later slide to  
12 confirm that. But I believe so.

13 Q. Did you later do anything else to try to reach out,  
14 back out to this person, like contact him through any of the  
07:22:02 15 other social media applications you had previously used?

16 A. Yes. So I didn't get an immediate response from him.  
17 And so we had a back-up communication method where I could  
18 always contact him on his Twitter account.

19 So I sent a direct message to his Twitter account  
07:22:18 20 where I have provided my new Wickr account. So he could  
21 recontact me and he had my most current contact information.

22 Q. If we could pull up Government's Exhibit 19, please.

23 A. And so by informing him of my new account contact  
24 information, he was the only one who was aware of the  
07:22:37 25 existence of this account.

1 Q. And which Twitter account did you send this to?

2 A. This was to @sham\_reason, which is a screen name Abu  
3 Harb Al Amirki.

4 Q. And is this the original Twitter account that you  
07:22:57 5 first contacted this person on?

6 A. Yes, this is where it all began on May 24 with this  
7 Twitter account.

8 Q. When you say May 24 --

9 A. I'm sorry, this is where it began on March 24, 2015.  
07:23:08 10 Thank you.

11 Q. And if we can move to page 2 of Exhibit 19.

12 Does this also have direct communications between you  
13 and the user of @sham\_reason?

14 A. Yes. And so on May 4, 2015, I provided him with my  
07:23:27 15 new account information which he did then contact me.

16 And with my creation of subsequent new accounts, I  
17 send them to him, and then it gave him the opportunity to  
18 recontact me as well on those dates listed.

19 Q. What does Abu Harb mean?

07:23:45 20 A. Abu Harb -- the word Harb means war. And so it  
21 literally means the father of war, the American, is the  
22 translation of his full Twitter screen name.

23 Q. So if we can go to Government's Exhibit 20, did you  
24 indeed get a communication on that new Wickr account,  
07:24:07 25 acceptm44?

1 A. Yes, I did. So the user of sham\_reason created a new  
2 Wickr account. And in the title of his Wickr account he  
3 included the number 17. And he initiated contact with my  
4 new account.

07:24:24 5 Q. What was that new account name?

6 A. The new account that he was using?

7 Q. That he was using, correct.

8 A. That he was using was mesecret17.

9 Q. Did he also ask you for the code during the  
07:24:34 10 communications?

11 A. Yes, he did. And it was consistent with what we had  
12 previously established.

13 Q. If we can go to page 2 of Exhibit 20?

14 A. And I, at this point I never used this code with  
07:24:47 15 anyone else or told anyone else outside of the FBI of what  
16 the code was.

17 Q. And what was the content of this series of  
18 communications you had shortly after this Garland incident?

19 A. Well, he wanted me to tell him what I saw. He wanted  
07:25:05 20 me to describe what happened.

21 Q. And did you do that?

22 A. Yeah. Initially I just said that, "Hey, I need to lay  
23 low. Now is not a good time to talk."

24 Q. And can we move forward to the next page, please.  
07:25:16 25 What did he think had happened to you?

1 A. Well, he wondered if they arrested me and then they  
2 let me go.

3 Q. And what did you tell him?

4 A. I told him, no. I told him basically I observed -- "I  
07:25:31 5 saw it all. I saw the whole attack happen. However, I just  
6 punched it," meaning I drove away quickly, and "I just got  
7 out of there as fast as I could, but I did observe the  
8 attack and I -- yeah, and I saw the attack."

9 Q. If we can go to the next page, please.

07:25:48 10 And actually, can we go to page 7, please?

11 What did he indicate he thought had happened to you?

12 A. Well, he said -- well, what he claimed was that "Up  
13 until last night, I thought that was you, Wallahi," spelled  
14 W-A-L-L-A-H-I, and it just means I swear by Allah.

07:26:17 15 And so he said up until last night he thought that was  
16 me. And I thought he was referring to the news. At this  
17 point, it was national news. The attack was all over the  
18 news. And I assume he saw the news. And that because he  
19 saw the national news, he thought I was the one involved in  
07:26:34 20 the attack.

21 Q. And there's an indication that he was crying, so what  
22 would he have been crying over?

23 A. Well, because this -- the news said the attackers were  
24 killed on the spot. And so when he said, "I was crying and  
07:26:49 25 Dua," which is D-U-A, that means he was crying while making

1 prayers, presumably he was making prayers for me because I  
2 had just been killed and that he was in pain of the  
3 realization that I had been killed.

4 Q. Go to the next page, please.

07:27:03 5 And what does he advise that you do in the next  
6 communication?

7 A. He told me to deactivate my Twitter account which is  
8 kind of like going off the grid or laying low, and to  
9 basically, you know, by deactivating that Twitter account  
07:27:25 10 would mean that I would be erasing the connections that I  
11 had with his Twitter account.

12 Q. Can we go to the next page, please.

13 There's a reference -- well, first, what did he tell  
14 you during this set of communications?

07:27:43 15 A. Well, he said that "We still need to keep in contact.  
16 We needed a mutual way to keep in contact."

17 And he said that "We needed to remain in contact  
18 because after I added up the facts, I knew it wasn't you."  
19 So I thought this was very important because he was doing  
07:28:00 20 some mental math, and he was explaining what his mental math  
21 was. He was saying, "Because I added up facts, I knew it  
22 wasn't you." He had for foreknowledge that I was going to  
23 be there and then he also indicated that he had  
24 foreknowledge that Elton Simpson would be there. And he  
07:28:16 25 previously said that Elton Simpson had another brother with

1 him.

2 So he had for knowledge that three people would be  
3 present at Garland, Texas.

4 In the news, the news only reported of two people.

07:28:27 5 And two people were killed.

6 And so when he did the management math, knowing that  
7 three were there, only two were reported on the news, that  
8 means the third one got away, and that was me.

9 Q. There was also a reference to the "Just paste." Do  
07:28:42 10 you see that?

11 A. Yes. So just paste it is a method online where anyone  
12 can go and post documents that would be available for anyone  
13 to download off the Internet.

14 Q. And if we can go to the next page?

07:28:55 15 A. And he actually he said, "Have you seen the just  
16 paste?" What I thought he was referring to was have I seen  
17 the latest document on just paste it.

18 Q. If we can go to page 11, please.

19 And what were you trying to explain to him in these  
07:29:13 20 communications?

21 A. Well, I was trying to convey that I just experienced a  
22 very traumatic event, that I survived, that I saw the lions,  
23 that I considered attackers to be lions, and I considered  
24 them to have achieved their goal which was to die fighting  
07:29:30 25 for the sake of Allah.

1           And I know I was and I was just trying to give a  
2           convincing presentation of that -- that disposition.

3           Q.     What was his response on that topic?

4           A.     He said, "I thought the same thing, bro. And I know  
07:29:46 5           that will always be a concern you have, but listen, bro,  
6           Allah showed you that in order to prepare you, next time  
7           you'll be twice and better inshallah," meaning God willing.

8           Now, before this, I made an issue that the way the  
9           events unfolded, basically the way the event went down, that  
07:30:04 10          that attack was insufficient, that that was not a well  
11          executed attack and it was not well planned, and that was  
12          basically unacceptable by my standards.

13          And then that was his response was that he said I know  
14          that will always be a concern that I will have. But he gave  
07:30:20 15          me some reassurance. He said, "But listen, bro, Allah  
16          showed you in order to prepare you. Next time you'll be  
17          twice as better."

18          So what I thought he was saying was that I did not die  
19          in the attack because he believed that Allah allowed me to  
07:30:34 20          survive so that I could be more effective in the future. I  
21          would be twice as good for the next attack in the future.

22          Q.     If we could move to page 13, please.

23          Does he offer to help you with a safe house?

24          A.     Yes. He told me, "Don't worry. This is an example  
07:30:52 25          that Allah granted you. Don't let this real time lesson be

1 in vain." In other words, we need to really kind of take  
2 advantage of this significant event, learn from it, and  
3 then, yes, at about 12:47 p.m. he said, "Bro, keep in touch  
4 with me. If you need a safe house, let me know."

07:31:12 5 Q. And can we move to the next page, please?

6 A. And also he said, "This is why I'm here." So he was  
7 making himself available for me if I felt that I needed to  
8 basically go into hiding because I was, you know,  
9 essentially part of this terrorist attack, or connected to  
07:31:31 10 it.

11 Q. Did you have further communications on a different  
12 Wickr account with this same person?

13 A. Yes.

14 Q. If we could please bring up Government's Exhibit 21,  
07:31:41 15 please.

16 Did you receive a message on Wickr from terrowatch17?

17 A. Yes. And I received this new message from a new  
18 account after I provided the Abu Harb Al Amerki Twitter  
19 page. I went to the Twitter account with the handle  
07:32:03 20 @sham\_reason. And I provided him with my most current  
21 contact information. And then I received this new contact  
22 from terrowatch17.

23 Q. And did you use that same number or code system?

24 A. Correct.

07:32:19 25 Q. And can we go to the next page, please, page 2?



1 Did you ask if a further verification question?

2 A. I did. I wanted to demonstrate that I was still very  
3 security conscious having just been rattled by a traumatic  
4 event. And so I wanted to show that, "Hey, this exchange of  
07:32:39 5 the code number was not enough." And that I wanted further  
6 proof that I was still -- that the person I was talking to  
7 on this day is the same person I was talking to weeks in  
8 advance.

9 Q. And what code system did you use?

07:32:51 10 A. So he pointed me to a series of  
11 lectures -- early -- this is back in April. He referred me  
12 to a series of lectures by Anwar Al-Awlaki, who, again, is  
13 this al-Qaeda jihad ideologue. He referred me to a lecture  
14 series that was all about violent jihad. And on that  
07:33:10 15 website for those lectures on violent jihad, there was a  
16 picture on a book cover.

17 And that picture on the book cover was crossbow. Now  
18 this is what he told me I needed to consume. I needed to  
19 listen to these lectures. So I knew he was familiar with  
07:33:30 20 this image of a crossbow.

21 Q. Move to page 3.

22 Actually on to page 4.

23 Did he give you the proper answer?

24 A. Yes, he did.

07:33:38 25 Q. And based on that, did you believe it was the same

1 person you were talking to?

2 A. Yes, I did.

3 Q. If we can move forward to page 5?

4 THE COURT: Ladies and gentlemen, we're going to  
07:33:50 5 go about five more minutes then we'll be done for the day.

6 BY MR. SHEPHERD:

7 Q. What else was he asking you at the bottom of this  
8 page?

9 A. So he said, "Where else is this ID present online?"

07:34:04 10 Q. And what did you respond with?

11 A. I said, "My ID, nowhere. You only got it. And the  
12 Pennsylvania brother."

13 Q. Who was a reference to?

14 A. That was the FBI informant that he put me in contact  
07:34:15 15 with.

16 Q. And if we could move forward to page 9, please.

17 What were you telling him on page 9 would have  
18 happened to you?

19 A. So I told him that if I had been driving in the  
07:34:34 20 opposite direction during the attack, I would have been  
21 caught by law enforcement. They would have stopped me, and  
22 then I would have been arrested. And I would have been a  
23 trophy for law enforcement to arrest me and then parade me  
24 around and humiliate me, which is what he said was  
07:34:53 25 unacceptable.

1 Q. If we can move forward to page 25, please.

2 What did he believe was happening to you?

3 A. Well, he gave me some reassurance that each day  
4 is -- "You're living each day, day by day." And that's the  
07:35:20 5 life of a mujahid. He used "MJ," which I believe to be  
6 abbreviation for mujahid.

7 And he said I was going through this process day by  
8 day and that I was being trained by Allah. And very early  
9 on we established that the capital letter "A" by itself was  
07:35:38 10 an abbreviation for Allah. So he was telling me that these  
11 experiences that I just recently went through was Allah  
12 training me.

13 Q. And then moving forward to page 27.

14 What did -- what did he -- at the bottom of the page,  
07:36:01 15 there's a reference to "May A accept from them"?

16 A. Right, so I understood that he was saying "May Allah  
17 accept from them."

18 And I inferred that the them in this statement  
19 referred to Elton Simpson and Nader Soofi, those who died in  
07:36:24 20 the attack at Garland.

21 So whatever --

22 THE COURT: Next question, please.

23 I'm sorry. Please don't volunteer any information not  
24 asked for in the question, please, in the interest of time,  
07:36:35 25 please.

1 MR. SHEPHERD: Yes, Your Honor.

2 BY MR. SHEPHERD:

3 Q. Did you have further communications with another  
4 account, even after this terrowatch17?

07:36:43 5 A. I would have to go and check the next slides. I think  
6 I did.

7 MR. SHEPHERD: Your Honor, I believe this would  
8 be -- I'm almost done, but I believe this would be the place  
9 to break.

07:36:53 10 THE COURT: How much more time do you need?

11 MR. SHEPHERD: Probably about 15 to 20 minutes,  
12 Your Honor.

13 THE COURT: Ladies and gentlemen, what's your  
14 preference? Complete the witness's testimony or break for  
07:37:01 15 the day? Show of hand as to how many would like to break?

16 I know some of you drive -- you drive from -- I know  
17 where you drive from -- I know where you drive from. You  
18 got a long drive.

19 Finish up.

07:37:15 20 MR. SHEPHERD: Yes, Your Honor.

21 BY MR. SHEPHERD:

22 Q. If we could move to Government's Exhibit 22, please?

23 Were you ultimately contacted from an account on Wickr  
24 called itsme17?

07:37:29 25 A. That is correct. On May 10 I did -- was contacted by

1 another account.

2 Q. And was this done through the same process as before?

3 A. Yes.

4 Q. In we could move to page 2, please.

07:37:40 5 And did you again use this code system?

6 A. Yes. 17 and a crossbow.

7 Q. And if we could please move to page 8.

8 Did he ask you again about the Pennsylvania brother?

9 A. Yes, he did. He asked me for his contact information.

07:38:04 10 Q. And taking a look at page 9.

11 Did you provide that information?

12 A. I did not.

13 Q. Taking a look at your final communication on the page?

14 A. Yes, so I did. Sorry. Correction. I, at the end, I  
07:38:22 15 did provide the contact name for him on Wickr in the last  
16 line of text.

17 Q. If we can move forward to page 16, please?

18 Did you continue to talk about future plans after this  
19 attack?

07:38:36 20 A. Yes, we did.

21 Q. And moving forward to page 17.

22 Was there a reference to needing a secure land?

23 A. Yes, he said, "They are few, they are here, but it is  
24 locked in their hearts waiting for an opportunity and a  
07:38:58 25 secure land to unlock this golden path to they're like the

1 companions of Phiran," which is spelled P-H-I-R-A-N.

2 Q. And what does that mean?

3 A. Well, the companions.

4 Q. Just the word companions of Phiran?

07:39:19 5 A. Yeah, Phiran translates as pharaoh.

6 Q. If we can move to page 18, please.

7 And to page 19.

8 Let's go ahead to page 20.

9 Does he further talk specifically about land to be  
07:39:38 10 purchased?

11 A. Yes. And in previous conversations we talk about the  
12 need to have land of our own.

13 And in this case, he talks about the need specifically  
14 for 50 to 100 acres legally purchased.

07:39:52 15 Q. What else does he say about it?

16 A. Well, he says the advantage of legally purchasing this  
17 large piece of land is that we can hide in plain sight. And  
18 then on that land we can have a farm, house, garden and  
19 tunnels.

07:40:04 20 Q. And at the very bottom, does he indicate whether any  
21 are already underway?

22 A. He says that "Five are in the beginning stages across  
23 the country."

24 Q. If we can move forward to page 22, please.

07:40:19 25 At the bottom of this page, what does he indicate has

1 happened?

2 A. Well, he says, "Money is needed," but he also says,  
3 "Our person is under" -- what I understood to be  
4 surveillance.

07:40:30 5 "And this person who was under surveillance has caught  
6 a tail," which I understood that he's talking about someone  
7 in the third person. I suspect he was talking about  
8 himself. And he said that this person is under surveillance  
9 because they had detected a tail, meaning they had detected  
07:40:46 10 surveillance.

11 Q. Now, you're aware of whether any surveillance at this  
12 time had been going on of Erick Hendricks?

13 A. Yes, I was aware that the FBI was conducting  
14 surveillance on Erick Hendricks.

07:40:58 15 Q. And if we can move forward to page 29, please.

16 Had he asked you about a teacher from Colorado?

17 A. Yes. And he also -- yes. And -- I'll keep it short.  
18 Yes.

19 THE COURT: Next question, please.

07:41:22 20 MR. SHEPHERD: Yes.

21 BY MR. SHEPHERD:

22 Q. Was this teacher from Colorado the same person you had  
23 communicated previously from Colorado?

24 A. Yes. So the user brokered an introduction of me to  
07:41:33 25 talk to this Colorado person, and this person I also knew to

1 be an FBI informant.

2 Q. Can we go to the next slide, please.

3 And to the next page, please.

4 Did the communication then end on itsme17?

07:41:51 5 A. Yes.

6 Q. And if we can go to one more page.

7 That's the last page. So can we go to Government's  
8 Exhibit 23, please.

9 Did you receive one further communication from an  
07:42:09 10 account named dontcatch17?

11 A. Yes, and this is after I went back to that original  
12 Twitter account and provided my most current Wickr account  
13 information.

14 Having done that, I was then contacted by this  
07:42:23 15 account.

16 Q. And did you have any further communications on  
17 dontcatch17?

18 A. No. This is the end of my communication with this one  
19 user.

07:42:32 20 Q. Did you have any further communications after this  
21 with the individual you had been talking to these several  
22 months?

23 A. No. This was the end.

24 Q. Special Agent Jane, we've reviewed multiple exhibits  
07:42:46 25 with screen shots that we've identified as we went -- or



1 that we haven't gone over every single screen shot.

2 I just want to ask you, have you previously reviewed  
3 Government's Exhibit 1 through 8 that we identified?

4 A. Yes.

07:43:02 5 Q. Exhibits 12, 13 and 14?

6 A. Yes.

7 Q. Exhibits 18 through 24?

8 A. Yes.

9 Q. And are those all accurate copies of the screen shots  
07:43:14 10 that you collected during your communications with this  
11 individual who started as sham\_reason?

12 A. Yes.

13 Q. And also with Elton Simpson?

14 A. Yes.

07:43:26 15 Q. And do those appear to you to be complete and accurate  
16 copies of those screen shots?

17 A. Yes.

18 Q. Okay.

19 MR. SHEPHERD: Your Honor, I have no  
07:43:35 20 further -- well -- one moment, please.

21 BY MR. SHEPHERD:

22 Q. And approximately what was the date of this last  
23 communication that you had?

24 A. I think it was about May 18, 2015.

07:43:52 25 MR. SHEPHERD: And, Your Honor, with that, I have

1 no further questions.

2 THE COURT: All right. Thank you.

3 Ladies and gentlemen of the jury, we're going to  
4 adjourn for the weekend. Leave your notepads on your  
07:44:03 5 chairs. Remember the admonitions I've given you about not  
6 discussing the case among yourselves or with anyone else.  
7 Don't form or express any opinions on the case whatsoever.

8 I can't stress strongly enough how important it is  
9 that you refrain from doing any research on the Internet  
07:44:17 10 about any of the issues, events, described here in the  
11 courtroom.

12 Extremely important you do that.

13 Also, do not let anyone else talk to you about this  
14 case. There will be media accounts about this case, I'm  
07:44:30 15 sure. In perhaps the Cleveland Plain Dealer, the local  
16 Akron Beacon Journal follows up sometimes and reprints the  
17 same story. So please refrain from reading those media  
18 accounts and not let anyone, members of your household,  
19 friends, acquaintances discuss those stories with you.

07:44:52 20 It would be -- again, please, we want to be fair and  
21 not rely upon those accounts, which at this point, as it  
22 relates to this witness's testimony, you've only heard his  
23 initial direct examination. The defendant has not had an  
24 opportunity to ask questions as well.

07:45:07 25 So, please, again, refrain from reviewing those

1 stories.

2 We'll see you at 9:00 on Monday. We'll start at that  
3 time. We greatly appreciate your patience. I have know  
4 it's been a long day, so have a safe drive home.

07:45:24 5 Thank you very much.

6 My clerk wanted to tell me, remind you of daylight  
7 savings time one more time so we don't have to call anybody  
8 out of bed.

9 All right. Thanks.

07:45:38 10 (Jury out, 4:37 p.m.)

11 THE COURT: Please be seated. Briefly, do you  
12 want to take him out.

13 DEPUTY U.S. MARSHAL: If you want me to.

14 THE COURT: Why don't you do that so I can talk  
07:46:20 15 to the attorneys and he can be on his way.

16 We have cross-examination on Monday. I'm not sure how  
17 long it will be. I'm not going to predict because I know  
18 you haven't had a chance to go back and look at the  
19 transcript and make decisions about the length of the  
07:46:32 20 cross-examination. So we'll leave that to you.

21 After the cross-examination, who is your next witness?  
22 Or witnesses the case might be?

23 MR. SHEPHERD: Your Honor, our next witness had  
24 planned to be a government expert witness. Though because  
07:46:56 25 of some travel issues, that may change. So it is possible

1 we would have some witnesses dealing with the Garland  
2 incident. And on that topic we have discussed with defense  
3 counsel a proposal for limiting the photographs we would  
4 show, that --

07:47:12 5 THE COURT: Do you need them? Why do you need  
6 them?

7 MR. SHEPHERD: Your Honor, I'll defer to Mr.  
8 Bennett.

9 THE COURT: For what purpose?

07:47:19 10 MR. BENNETT: Mostly nor perspective. Similar to  
11 the two photographs we saw here of just what it looked like  
12 and where it was coming in so we have 71, which is the  
13 overhead photograph, and then 72, which is kind of from a  
14 ground perspective of the vehicle that's there and the cones  
07:47:38 15 that are there. And 80, that is the daylight picture of the  
16 same from where the officers located when the two  
17 individuals came during the attack and he returned fire.

18 There was no blood in any of the photographs. There's  
19 no bodies in any of the photographs.

07:47:54 20 There's -- the vehicle was exploded for potential bomb  
21 threat by the people on scene, the FBI and their bomb squad.

22 But beyond that, there's nothing in there of any  
23 blood, gore, anything along that line. It's just for the  
24 perspective of the jurors so see what is being testified to.

07:48:16 25 THE COURT: I'm sorry, I don't want to press you

1 too hard, but why? We heard the witness testify. We have  
2 an eyewitness who was on the scene testify to what he's seen  
3 and observed, so I don't know why we need any  
4 photographs -- I don't know what they add to the discussion.  
07:48:29 5 There's no dispute the event occurred. There's no dispute  
6 about the attack. There's no dispute that the attackers  
7 were shot and killed and the FBI, your witness here, just  
8 told us what happened.

9 So thank you, but unless -- let's hear from the  
07:48:42 10 defendant. What's the defendant's position, please?

11 MR. DOUGHTEN: Your Honor, our position, which  
12 was the original we don't think the photographs are relevant  
13 at all, in our argument on the 403, the pertinent relevance  
14 for the government as to accepted commanding or ordering the  
07:49:01 15 UCE what to do, I mean that's in there. I don't understand  
16 what the photographs do at all.

17 Mr. Bennett is correct if the Court would permit  
18 photographs, they agreed to limit it to these. But our  
19 basic position is I don't know what they add to this at all,  
07:49:16 20 particularly to the indictment. It adds nothing to the  
21 indictment in our opinion.

22 THE COURT: I agree. Under Rule 403, although  
23 relevant evidence may be excluded, if it's probative value  
24 is substantially outweighed by the danger of unfair  
07:49:29 25 prejudice, confusion of the issues, misleading the jury.

1           The only issue here is whether or not there's some  
2 possible unfair prejudice from the photographs.

3           Even the limited photos, I think, may be prejudicial  
4 to the defendant. There's sufficient evidence of the  
07:49:42 5 attack, the nature of the attack and the circumstances  
6 surrounding same.

7           So they will not be presented to the jury. I'll grant  
8 the defendant's motion, in essence, the motion in limine  
9 made earlier on.

07:49:55 10           With regard to any other issues, any other matters  
11 that you need to call to my attention? I would like to make  
12 sure, counsel for the government, when are you going to  
13 make -- when are you going to know about who you're going to  
14 call? I know the cross-examine is going to be lengthy, but  
07:50:08 15 I want the defendant's counsel to be made aware of who the  
16 next witnesses are going to be so they can prepare. I don't  
17 want them to have to prepare on the fly.

18           MR. SHEPHERD: Yes, Your Honor, we're going to  
19 make that decision as soon as we go back to our office and  
07:50:20 20 just regroup, so this evening we'll have that decision made.

21           THE COURT: You have contact information for  
22 defend counsel.

23           MR. SHEPHERD: We do, Your Honor, and we've been  
24 in frequent contact throughout these proceedings. So we  
07:50:30 25 will definitely let them know.

1 THE COURT: Let them know. I don't want them  
2 having to do cross-examination. They're going to spend all  
3 weekend preparing for cross-examination of this very  
4 important witness. And I want them to be able to be  
07:50:43 5 prepared for whoever else follows that witness.

6 Please. That's to be expected.

7 MR. SHEPHERD: Yes, Your Honor.

8 MR. DOUGHTEN: I will tell the court, I don't  
9 think our cross will be as long as expected because our  
07:50:53 10 basic position was whoever this was, wasn't Mr. Hendricks,  
11 so our cross will be limited to that position. So I'm not  
12 expecting to cross longer than a half hour, just for  
13 planning stages. I could change.

14 I also would confer, we have been talking with the  
07:51:09 15 AUSAs actually multiple times each night.

16 THE COURT: I don't mean to interject myself. If  
17 you're getting along and there's an agreement, that's fine.  
18 Please, I just feel strongly that in order for defense  
19 counsel, in particular, to prepare, they need to know. And  
07:51:24 20 I'm do the same when their time comes. I will ask -- I will  
21 ask both sides to, as a professional courtesy, to help the  
22 parties prepare to have at that same sharing of information.

23 So anything else before we adjourn?

24 MR. DOUGHTEN: Nothing on behalf of the defense,  
07:51:42 25 Your Honor?

1 MR. SHEPHERD: Nothing from the government, Your  
2 Honor.

3 THE COURT: All right. Thank you very much for  
4 your courtesy. We'll see you Monday morning at 9:00 to  
5 begin the trial.

07:51:49

6 Be here a little bit early just in case there's any  
7 issues before the jury comes in.

8 (Proceedings adjourned at 4:45 p.m.)  
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I N D E X

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DIRECT EXAMINATION OF STEVEN JANE  
BY MR. SHEPHERD

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## C E R T I F I C A T E

I certify that the forgoing is a correct transcript from the record of proceedings in the above-entitled matter.

S/Caroline Mahnke

3/9/18

Caroline Mahnke, RMR, CRR

Date

S/Lori A. Callahan

3/9/18

Lori A. Callahan, RMR, CRR

Date